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Chapter XI—War Food Administration (Distribution Orders)

[WFO 42, Amdt. 11]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE OF FATS AND OILS IN EDIBLE FAT OR OIL PRODUCTS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fats and oils for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense that War Food Order No. 42, as amended (9 F.R. 2971, 3832, 4802, 5333, 6391), § 1460.1, be further amended to read as follows:

§ 1460.1 *Use of fats and oils in edible fat or oil products*—(a) *Definitions*. (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including foots, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of any other product, but not including glycerine, cocoa butter, butter, wool grease or fat, essential oils, tall oil, mineral oils, and vitamin-bearing oils (including their by-products and derivatives) obtained from fish or other marine animal or viscera.

(2) "Manufacturer" means any person who uses fats and oils in the commercial manufacture of any edible fat or oil product.

(3) "Edible fat or oil product" means any commodity or product, simple or compound, including any complement thereto or component part thereof, which is composed of or has fats and oils as its largest single ingredient by weight, and which is eaten or drunk by human beings as food. The term "edible fat or oil product" shall not include:

(i) Lard, rendered pork fat, poultry fat, and olive oil;

(ii) All foods for human consumption which, under the terms of section 1.1 of

Ration Order No. 16, as amended, issued by the Office of Price Administration, are not foods covered by said Ration Order No. 16;

(iii) Any intermediate product intended for use in the commercial manufacture of an edible fat or oil product; or

(iv) Food prepared by a hotel or restaurant for consumption on the premises.

(4) "Margarine" means any substance the manufacture of which is taxable as "oleomargarine" under the provisions of Chapter 16 of the Internal Revenue Code (53 Stat. 247 et seq.), or any solid product which is comprised of fats or oils, is packed in cartons containing not more than two pounds, net weight, is sold by the manufacturer thereof in combination with a coloring and butter flavoring agent, and is used principally in the home as a table spread.

(5) "Base period" means the calendar years 1940 and 1941.

(6) "Exempt agency" means (i) the Army, Navy, Marine Corps, or Coast Guard of the United States, (ii) the War Food Administration (including but not restricted to any corporate agency thereof), (iii) the War Shipping Administration, (iv) the Veterans' Administration, (v) contract schools, marine hospitals, and maritime academies, as defined in War Food Order No. 73, as amended (8 F.R. 13880, 9 F.R. 4319, 10036), and (vi) ship suppliers, as defined in War Food Order No. 74, as amended (9 F.R. 8002), who hold licenses under that order.

(7) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(8) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions on manufacture*. (1) Except as hereinafter provided, no manufacturer shall, in any calendar quarter, use fats and oils in the manufacture of any edible fat or oil product in excess of a quota equal to the permitted percentage of the average amount of fats and oils used in such class of product during the correspond-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
CUSTOMS BUREAU:	
Air commerce regulations;	
Chalks Flying Service Air-	
port, designation as airport	
of entry.....	12032
DEFENSE SUPPLIES CORPORATION:	
Flour production payments,	
claims and rate.....	12092
GENERAL LAND OFFICE:	
Oregon and California Railroad	
and Coos Bay Wagon Road;	
sale of timber, acceptance	
and rejection of bids.....	12092
INTERSTATE COMMERCE COMMISSION:	
Motor carrier employees, maxi-	
mum hours of service.....	12093
Reconsignment permits:	
Carrots, Kansas City, Mo.....	12093
Grapes, Kansas City, Mo.-	
Kans.....	12095
Pears, Minneapolis, Minn.....	12095
Potatoes:	
Albert Lea, Minn.....	12095
Chicago, Ill. (5 docu-	
ments).....	12094, 12095
Grand Forks, N. Dak.....	12094
Minneapolis, Minn.....	12094
Omaha, Nebr.....	12094
Prunes, Chicago, Ill.....	12094
OFFICE OF ECONOMIC STABILIZATION:	
Grapes for canning, 1944 crop.....	12092
OFFICE OF PRICE ADMINISTRATION:	
Adjustments:	
A. & B. Coal Co., et al.....	12096
Ever-Ready Appliance Mfg.	
Co.....	12096
Maguran, Simon, et al.....	12096
Fish and seafood, fresh (MPR	
418, Am. 36).....	12087
Food rations, temporary (Gen.	
RO 9, Am. 7).....	12037
Gasoline rationing (RO 5C,	
Am. 155).....	12083
Hawaii:	
Commodities and services	
(MPR 373, Am. 79).....	12090
Gasoline rationing (RO 5F,	
Am. 13).....	12088
Regional and district office or-	
ders; community ceiling	
prices, list of orders filed.....	12097
Seed potatoes (RMFR 492).....	12090

(Continued on next page)



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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

CONTENTS—Continued

SURPLUS WAR PROPERTY ADMINISTRATION:	Page
Aluminum scrap, establishment of prices and provisions for storage and handling.....	12098
TREASURY DEPARTMENT:	
Ohio Farmers Indemnity Co., issuance of certificate of authority for surety bonds....	12082
WAR FOOD ADMINISTRATION:	
Fats and oils:	
Edible fat or oil products (WFO 42, Am. 11).....	12075
Protective coatings, coated fabrics, and floor coverings (WFO 42a).....	12078
Reports on consumption (WFO 42-1, Am. 2).....	12077
Soaps (WFO 42b).....	12080

CONTENTS—Continued

WAR MANPOWER COMMISSION:	Page
Employment stabilization program:	
Erie, Pa., area (2 documents).....	12110, 12112
Framingham, Mass., area (2 documents).....	12107, 12110
Marlboro, Mass., area (2 documents).....	12098, 12101
Webster-Southbridge, Mass., area (2 documents).....	12101, 12104
Worcester, Mass., area (2 documents).....	12104, 12107
WAR PRODUCTION BOARD:	
Coal stokers (L-75).....	12086
Food processing machinery (L-292).....	12084
Industrial equipment, production quotas (L-292, Sch. IX-A).....	12086
Magnesium (M-2-b, M-2-c, Rev.) (2 documents).....	12082
Post-war orders, acceptance (Priorities Reg. 1, Int. 11).....	12082
Power trucks, industrial (L-112-a).....	12083
Rubber, synthetic rubber, balata and products (R-1, Am. 1).....	12087
Suspension orders, etc.:	
Tusco Tavern, Inc., and Frank C. Hart.....	12082
Wichita Beacon.....	12083

ing calendar quarters of the base period:

Class of edible fat or oil product:	Permitted percentage
Margarine.....	167
All other edible fat or oil products....	88

(2) Any manufacturer who does not use his entire quota for any calendar quarter may carry the unused portion of such quota forward only to the succeeding calendar quarter and may use the same in the succeeding calendar quarter after his regular quota for such quarter has been used.

(3) All restrictions on the use of fats and oils are imposed with respect to aggregate quantities, and such restrictions are not to be construed as limiting a manufacturer to the use of the same fat or oil used in the base period.

(c) *Quota exemptions.* Nothing in (b) (1) hereof shall restrict the following uses of fats and oils:

(1) Use by any manufacturer who used fats and oils in edible fat or oil products prior to July 1, 1943, and whose total use in any calendar quarter is not over 15,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof; or the use by any manufacturer whose use of fats and oils did not begin until on or after July 1, 1943, and whose total use in any calendar quarter is not more than 1,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof. The permitted usage under this section (c) (1) shall not constitute a quota under any provision of this order;

(2) Subject to the provisions of (d) hereof, use in any edible fat or oil product delivered or contracted for delivery directly or through intermediate distributors, to:

(i) An exempt agency, pursuant to the provisions of a contract; or

(ii) Any person for use in the manufacture of any fat or oil product for delivery to an exempt agency;

(3) Use in any edible fat or oil product for export to the Dominion of Canada under a license granted by the Dominion for such importation, or to any other country pursuant to an export license issued by the Foreign Economic Administration;

(4) Until March 31, 1945, the use of fish oil by any manufacturer, *Provided, however, That if such manufacturer used fish oil in the manufacture of edible fat or oil products during the base period, the amount so used shall be excluded in determining his quota under (b) (1) hereof.*

(d) *Certificates.* (1) Any delivery of an edible fat or oil product made through an intermediate distributor to an exempt agency, and any delivery of such product, direct or indirect, to any person specified in (c) (2) (ii) hereof, shall not result in an exemption from the quota restrictions under (b) (1) hereof unless a certificate or certified copy thereof is obtained by the person claiming such exemption, which certificate shall contain the following: the name of the manufacturer and of the person making delivery of the final product, the amount and kind of final product delivered or to be delivered, and a statement that the person or agency to whom delivery has been or will be made has either received the final product covered by the certificate or has contracted therefor.

All certificates shall be signed by the person or agency receiving the final product, or by an authorized representative, and shall be turned over to the deliveror who, if he is not the manufacturer of the final product, shall forward it promptly to the person from whom he received such product. Certificates may be passed back from the deliveror through other processors or suppliers to the manufacturer of the edible fat or oil product for which exemption is claimed. In each case, such other processor or supplier shall endorse upon the certificate the amount and kind of edible fat or oil product, or ingredient containing or prepared with the same, which he received from his processor or supplier and which went into the manufacture of the product or ingredient delivered by him. Where any manufacturer, processor, or distributor has used or delivered edible fat or oil products, or ingredients containing or prepared with the same, which were received by him from different suppliers, he shall make the necessary copies of the certificate for endorsement and transmission to each supplier, and may delete from such copies information pertaining to other suppliers.

(2) All certificates executed under (d) (1) hereof shall be retained by the person claiming exemption. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(e) *Establishment of base period usage.* (1) No manufacturer may use fats

and oils under (b) (1) hereof unless and until he has filed, on Form FDO 42-1, a report of his use in each class of edible fat or oil product for each calendar quarter of the base period.

(2) Fats and oils used by a manufacturer during the base period for any purpose set forth in (c) (2) hereof, or in the manufacture of any edible fat or oil product for export to a foreign country, shall be excluded in determining his quota under (b) (1) hereof.

(f) *Acquisition of facilities.* Any person who acquires all the manufacturing facilities of another person for a particular class of edible fat or oil product shall become entitled to the quota of such other person for such class of product, whether or not he continues to operate such facilities in whole or in part: *Provided*, That he shall, within 30 days following such acquisition, inform the Director of the facilities acquired, their location, whether or not operations will be continued in the same or another location, and the amount of quota which he claims to have acquired for each class of product.

(g) *Toll agreements.* Fats and oils owned by one person and processed by another person shall be charged against the quota of the owner and not the processor: *Provided, however*, That the title to any edible fat or oil product so manufactured shall remain in the owner of the fats and oils and such owner shall market such product and shall invoice and collect therefor through his own organization, and the processor shall not buy directly or indirectly any product so produced. Otherwise, fats and oils so processed shall be chargeable against the quota of the processor.

(h) *Purchases from exempt agencies.* The fat and oil content of any edible fat or oil product which is purchased by a manufacturer from any exempt agency other than the Veterans' Administration, contract schools, marine hospitals, maritime academies, or licensed ship suppliers, shall not be chargeable against his quota if the product so purchased is used by him in reworking into the same class of edible fat or oil product.

(i) *Exemption for lard and rendered pork fat.* Any manufacturer who, during the period from May 15 to June 30, 1944, produced, or purchased and accepted delivery of, lard or rendered pork fat and who, on or before July 15, 1944, reported to the War Food Administration the amount of such lard or rendered pork fat intended for quota-free use, may, until October 1, 1944, use such lard or rendered pork fat without charge against quota in the manufacture of any edible fat or oil product.

(j) *Records and reports.* (1) Every manufacturer who uses more than 15,000 pounds of fats and oils in any calendar quarter shall properly fill out and mail to the Bureau of the Census, Washington 25, D. C., Bureau of the Census Form BM-1 for each calendar month, on or before the 15th day of the following month, and Bureau of the Census Form BM-2 for each calendar quarter, on or before the 15th day of the second month following such calendar quarter. Nothing contained herein shall be construed

as requiring any person to file more than one Form BM-1 in any month, or more than one Form BM-2 in any calendar quarter, except that a separate report shall be filed for each plant in which such person uses fats and oils.

(2) Every manufacturer and every other person who processes, uses or consumes fats and oils shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct and within such time as he may prescribe.

(3) Beginning with the third calendar quarter of 1944, every manufacturer subject to (b) (1) hereof shall file, on Form FDO 42-3, a quarterly report of his use of fats and oils in edible fat or oil products. Such report shall be filed on or before the 20th day of the month succeeding such calendar quarter.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of and transactions in fats and oils.

(k) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(l) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(n) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using fats and oils. Any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Effect of other orders.* Insofar as any other War Food Order heretofore or hereafter issued limits or curtails to a greater extent than herein provided, the use, acquisition, or disposition of any

fat or oil, the limitations of such other order shall control.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless herein otherwise provided, be addressed to the Order Administrator, War Food Order No. 42, Fats and Oils Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(q) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(r) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(s) *Effective date.* This order shall become effective at 12:01 a. m., e. v. t., September 30, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

Note: All reporting requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-15264; Filed, Oct. 2, 1944; 2:15 p. m.]

[WFO 42-1, Amdt. 2]

PART 1460—FATS AND OILS

REPORTS ON CONSUMPTION OF FATS AND OILS

War Food Order No. 42-1, as amended (8 F.R. 10389, 9 F.R. 4319), is further amended to read as follows:

§ 1460.19 *Reports on consumption of fats and oils—(a) Definitions.* (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including foats, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of any other product, but not including glycerine, cocoa butter, butter, wool grease or fat, essential oils, tall oil, mineral oils, and vitamin-bearing oils (including their by-products and derivatives) obtained from fish or other marine animal livers or viscera.

(2) "Person" means any individual, partnership, association, business trust,

corporation, or any organized group of persons, whether incorporated or not.

(3) Any term not defined herein shall have the meaning ascribed thereto in War Food Order No. 42, as amended.

(b) *Monthly and quarterly reports required.* (1) Every person who processes, uses, or consumes more than 15,000 pounds of fats and oils in the aggregate in any calendar quarter in any of the following processes or in the manufacture of any of the following products, shall properly fill out and mail to the Bureau of the Census, Washington 25, D. C., Bureau of the Census Form BM-1, for each month, on or before the 15th day of the following month, and Bureau of the Census Form BM-2, for each calendar quarter, on or before the 15th day of the second month following such calendar quarter:

Metal cleaning, buffing, and polishing
Fat splitters
Fat pressers
Printing and duplicating supplies, including inks, stencils, hectographs, carbon paper, and printer's rollers
Lubricants and greases
Metal working and treating oils and compounds
Rust and corrosion preventives
Rubber compounding
Manufacture of synthetic rubber, rubber substitutes, extenders, and factices
Insulating and di-electric materials
Tin andterne plating, hot dip tinning and galvanizing -
Core oils
Textile processing, including rubber separator cloth
Leather manufacture and treatment
Vitamin carriers (feeding oils)
Pharmaceuticals
Cosmetics and toilet preparations
Putty, caulking and sealing compounds and sound-deadeners
Hydraulic fluids
Linings, clutch facings, gaskets and mechanical packings
Resins and plastics (natural and synthetic)
Glue and adhesives
Disinfectants, fungicides, and insecticides
Synthetic detergents, wetting and foaming agents
Candles
Abrasives
Flotation agents
Metallic soaps and driers
Defoaming agents
De-emulsifiers for petroleum
Chemical derivatives of fats and oils
Impregnation of metal castings
Impregnation and coating of paper and cloth
Mold dressings
Wave-quelling oils

(2) Nothing contained herein shall be construed as requiring any person to file more than one Form BM-1 in any month or more than one Form BM-2 in any calendar quarter, except that a separate report shall be filed for each plant in which such person processes, uses, or consumes fats and oils.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. v. t., September 30, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken, prior to said date, under War Food Order No. 42-1, as amended, all provisions of said order shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with

respect to any such violation, right, liability, or appeal.

NOTE: All reporting requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 42)

Issued this 30th day of September 1944.

C. W. KITCHEN,
Acting Director of Distribution,

[F. R. Doc. 44-15265; Filed, Oct. 2, 1944;
2:15 p. m.]

[WFO 42a]

PART 1460—FATS AND OILS

USE OF FATS AND OILS IN PROTECTIVE COATINGS, COATED FABRICS, AND FLOOR COVERINGS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fats and oils for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.34 *Use of fats and oils in protective coatings, coated fabrics, and floor coverings—(a) Definitions.* (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including foots, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of any other product, but not including glycerine, cocoa butter, butter, wool grease or fat, essential oils, tall oil, mineral oils and vitamin-bearing oils (including their by-products and derivatives) obtained from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who uses fats and oils in the manufacture of protective coatings, coated fabrics, or floor coverings.

(3) "Protective coatings, coated fabrics, or floor coverings" shall not include an intermediate product intended for use in the manufacture of another protective coating, coated fabric, or floor covering.

(4) "Foots" means the by-product residue or the derivatives thereof obtained in the refining of any fat or oil, except linseed oil, where such refining is accomplished by treatment of such fat or oil with any alkaline material.

(5) "Washed, recovered linseed oil" means the by-product residue or the derivatives thereof obtained in the refining of linseed oil where such refining is accomplished by treatment of linseed oil with any alkaline material.

(6) "Can" means a can as defined in Conservation Order M-81, as amended (9 F.R. 82).

(7) "Base period" means the calendar years 1940 and 1941.

(8) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(9) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions on manufacture.* (1) Except as hereinafter provided, no manufacturer shall, in any calendar quarter, use fats and oils in the manufacture of protective coatings, coated fabrics, or floor coverings in excess of a quota equal to the permitted percentage of the average amount of fats and oils used in such class of product during the corresponding calendar quarters of the base period; *Provided*, That any person who manufactured paste water, dry casein or dry protein paint during the base period may, for the sole purpose of manufacturing paint containing not more than 2 pounds of fats and oils per gallon, use fats and oils in any calendar quarter in an amount not in excess of a quota equal to the permitted percentage computed against one pound of fats and oils per one gallon of paste water paint and one pound of fats and oils per 8 pounds of dry casein or dry protein paint (average production during the corresponding calendar quarters of the base period):

Class of product:	Permitted Percentage
Paints, varnishes, lacquers, and other protective coatings-----	70
Linoleum, oilcloth (for floor coverings), and felt base floor coverings-----	70
Oilcloth (except for floor coverings) and all other coated fabrics-----	70
Paint containing not more than 2 pounds of fats and oils per gallon (by a manufacturer of paste water, dry casein or dry protein paint, during the base period)-----	70

(2) Any manufacturer who has used his quota for any calendar quarter may use up to 10,000 pounds of fats and oils in such calendar quarter in addition to his quota. This additional usage shall not constitute a quota under any provision of this order. Any unused portion of such permitted additional usage shall not be carried forward to a succeeding calendar quarter.

(3) Any manufacturer who does not use his entire quota for any calendar quarter may carry the unused portion of such quota forward only to the succeeding calendar quarter and may use the same in the succeeding calendar quarter after his regular quota for such quarter has been used.

(4) For the purpose of determining the quantity of raw "foot" or "washed, recovered linseed oil" which may be used, use shall be calculated on the basis of total fatty acid content.

(5) All restrictions on the use of fats and oils are imposed with respect to aggregate quantities, and such restrictions are not to be construed as limiting a manufacturer to the use of the same fat or oil used in the base period.

(c) *Quota exemptions.* Nothing in (b) (1) hereof shall restrict the following uses of fats and oils:

(1) Use by any manufacture who used fats and oils in protective coatings, coated fabrics, or floor coverings prior to

July 1, 1943, and whose total use in any calendar quarter is not over 15,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof; or the use by any manufacturer whose use of fats and oils did not begin until on or after July 1, 1943, and whose total use in any calendar quarter is not more than 1,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof. The permitted usage under this section (c) (1) shall not constitute a quota under any provision of this order;

(2) Use in the manufacture of protective coatings which are:

(i) Applied by the maker of new farm machinery or equipment listed in Schedule A of Limitation Order L 257, as amended (8 F.R. 15568); or

(ii) Used as or in the manufacture of cans, container closures, closure liners or linings for cans, which are used for the packaging of food, drugs, pharmaceuticals or beverages;

(3) Use in the manufacture of protective coatings, coated fabrics, or floor coverings delivered to, or to be delivered to, or used on or incorporated in other material or equipment delivered to the Army, Navy, Marine Corps or Coast Guard of the United States, United States Maritime Commission, or the War Shipping Administration, or delivered pursuant to the Act of March 11, 1941 (Lend-Lease Act), or used on a vessel operating under a warrant issued by the United States Maritime Commission or the War Shipping Administration pursuant to the Act of July 14, 1941 (55 Stat. 591): *Provided, however,* That the use of fats and oils pursuant to this paragraph (c) (3) shall not result in an exemption from the quota restrictions under (b) (1) hereof unless, on or before the fifteenth day of the month following the month in which used, the manufacturer reports such use on Form FDA-523 (revised), or on such other form as the Director may prescribe.

(4) Until March 31, 1945, the use of fish oil by any manufacturer: *Provided, however,* That if such manufacturer used fish oil in the manufacture of protective coatings, coated fabrics or floor coverings during the base period, the amount so used shall be excluded in determining his quota under (b) (1) hereof.

(d) *Establishment of base period usage.* (1) No manufacturer may use fats and oils under (b) (1) hereof unless and until he has filed, on Form FDO 42-1, a report of his use of fats and oils in each class of product for each calendar quarter of the base period.

(2) Fats and oils used by a manufacturer during the base period for any purpose set forth in (c) (2) or (c) (3) hereof shall be excluded in determining his quota under (b) (1) hereof.

(e) *Acquisition of facilities.* Any person who acquires all the manufacturing facilities of another person for a particular class of product shall become entitled to the quota of such other person for such class of product whether or not he continues to operate such facilities in whole or in part: *Provided,* That he shall, within 30 days following such acquisition, inform the Director of the facilities acquired, their location,

whether or not operations will be continued in the same or another location, and the amount of quota which he claims to have acquired for each class of product.

(f) *Toll agreements.* Fats and oils owned by one person and processed by another shall be charged against the quota of the owner and not the processor: *Provided, however,* That the title to any product so manufactured shall remain in the owner of the fats and oils and such owner shall market such product and shall invoice and collect therefor through his own organization, and the processor shall not buy directly or indirectly any product so produced. Otherwise, fats and oils so processed shall be chargeable against the quota of the processor.

(g) *Exemption for washed recovered linseed oil and domestic vegetable-oil foots.* In computing the amount of fats and oils used under (b) (1), (b) (2), or (c) (1) hereof, a manufacturer need count only 50 percent of the actual amount of washed recovered linseed oil or domestic vegetable oil foots so used.

(h) *Purchases from exempt agencies.* The fat or oil content of any protective coating, coated fabric or floor covering which is purchased by a manufacturer from the Army, Navy, Marine Corps or Coast Guard of the United States, United States Maritime Commission, or the War Shipping Administration, shall not be chargeable against his quota if the product so purchased is used by him in reworking into the same class of product.

(i) *Records and reports.* (1) Every manufacturer who uses more than 15,000 pounds of fats and oils in any calendar quarter shall properly fill out and mail to the Bureau of the Census, Washington 25, D. C., Bureau of the Census Form BM-1 for each calendar month, on or before the 15th day of the following month, and Bureau of the Census Form BM-2 for each calendar quarter, on or before the 15th day of the second month following such calendar quarter. Nothing contained herein shall be construed as requiring any person to file more than one Form BM-1 in any month or more than one Form BM-2 in any calendar quarter, except that a separate report shall be filed for each plant in which such person uses fats and oils.

(2) Beginning with the third calendar quarter of 1944, every manufacturer subject to (b) (1) hereof shall file, on Form FDO 42-4, a quarterly report of his use of fats and oils in protective coatings, coated fabrics, and floor coverings. Such report shall be filed on or before the 20th day of the month succeeding such calendar quarter.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of and transactions in fats and oils.

(j) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(k) *Audits and inspections.* The Director shall be entitled to make such au-

dit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(m) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using fats and oils. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(n) *Effect of other orders.* Insofar as any other War Food Order heretofore or hereafter issued limits or curtails to a greater extent than herein provided, the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless herein otherwise provided, be addressed to the Order Administrator, War Food Order No. 42a, Fats and Oils Branch, Office of Distribution, War Food Administration, Washington, 25, D. C.

(p) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator, and one such employee shall be designated by the Director to serve as Alternate Order Administrator.

(q) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(r) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 30, 1944.

NOTE: All reporting requirements of this order have been approved by, and all sub-

sequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783).

Issued this 30th day of September, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-15266; Filed, Oct. 2, 1944;
2: 15 p. m.]

[WFO 42b]

PART 1460—FATS AND OILS

USE OF FATS AND OILS IN SOAP

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fats and oils for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.33 *Use of fats and oils in soap*—(a) *Definitions*. (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils, whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including fots, grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, lard and rendered pork fat, and the fat and oil content of any other product, but not including glycerine, cocoa butter, butter, wool grease or fat, essential oils, tall oil, mineral oils, and vitamin-bearing oils (including their by-products and derivatives) obtained from fish or other marine animal livers or viscera.

(2) "Manufacturer" means any person who uses fats and oils in the manufacture of soap. The term shall also include a soap converter.

(3) "Soap converter" means any person who uses soap made by others as a raw material and, by the addition of other materials or ingredients, makes a finished product which is sold for detergent purposes. The term "soap converter" shall not include persons who merely add small amounts of color or perfume to the original soap, or who merely dissolve paste or other soaps in water to make liquid soaps without adding other non-soap detergent materials.

(4) "Soap" means the water-soluble product formed by the saponification or neutralization of fats, oils, or their fatty acids with organic, sodium or potassium bases; or any composition containing such products, including all types of shaving soap and shaving cream.

(5) "Package and bar soap" means all bar soap, however packed, and all other soap originally packed in unit packages containing less than 25 pounds net.

(6) "Bulk package soap" means any soap, except bar soap, originally packed in unit packages containing 25 pounds net or more.

(7) "Abrasive hand soap" means paste and powdered soap products sold regularly for the removal of soil from the

human skin, which contain by weight, on a moisture-free basis, not less than 10 percent nor more than 40 percent anhydrous soap, and not less than 25 percent abrasive material of an organic or inorganic nature, to facilitate soil removal.

(8) "Fots" means the by-product residue or the derivatives thereof obtained in the refining of any fat or oil, except linseed oil, where such refining is accomplished by treatment of such fat or oil with any alkaline material.

(9) "Washed, recovered linseed oil" means the by-product residue or the derivatives thereof obtained in the refining of linseed oil where such refining is accomplished by treatment of linseed oil with any alkaline material.

(10) "Base period" means the calendar years 1940 and 1941.

(11) "Exempt agency" means (i) the Army, Navy, Marine Corps or Coast Guard of the United States, (ii) the War Food Administration (including but not restricted to any corporate agency thereof), (iii) the War Shipping Administration, (iv) contract schools, marine hospitals, and maritime academies, as defined in War Food Order No. 73, as amended (8 F.R. 13880, 9 F.R. 4319, 10036), and (v) ship suppliers as defined in War Food Order No. 74, as amended (9 F.R. 8002), who hold licenses under that order.

(12) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(13) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions on manufacture*. (1) Except as hereinafter provided, no manufacturer shall, in any calendar quarter, use fats and oils in the manufacture of soap in excess of a quota equal to the permitted percentage of the average amount of fats and oils used in such class of soap during the corresponding calendar quarters of the base period:

Class of soap:	Permitted percentage
Package and bar soap-----	90
Bulk package soap-----	110

(2) Any manufacturer who has used his quotas for all classes of soap for any calendar quarter may use up to 10,000 pounds of fats and oils, in the aggregate, for soap in such calendar quarter in addition to his quotas. This additional usage shall not constitute a quota under any provision of this order. Any unused portion of such permitted additional usage shall not be carried forward to a succeeding calendar quarter.

(3) Any manufacturer who does not use his entire quota for any calendar quarter may carry the unused portion of such quota forward only to the succeeding calendar quarter and may use the same in the succeeding calendar quarter after his regular quota for such quarter has been used.

(4) For the purpose of determining the quantity of raw "fots" or "washed, recovered linseed oil" which may be used use shall be calculated on the basis of total fatty acid content.

(5) All restrictions on the use of fats and oils are imposed with respect to aggregate quantities, and such restrictions are not to be construed as limiting a manufacturer to the use of the same fat or oil used in the base period.

(c) *Quota exemptions*. Nothing in (b) (1) hereof shall restrict the following uses of fats and oils:

(1) Use by any manufacturer who used fats and oils in soap prior to July 1, 1943, and whose total use in any calendar quarter is not over 15,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof; or the use by any manufacturer whose use of fats and oils did not begin until on or after July 1, 1943, and whose total use in any calendar quarter is not more than 1,000 pounds, exclusive of use pursuant to (c) (2) or (c) (3) hereof. The permitted usage under this section (c) (1) shall not constitute a quota under any provision of this order;

(2) Subject to the provisions of (d) hereof, use in soap delivered or contracted for delivery, directly or through intermediate distributors, to:

(i) An exempt agency, or the Veterans Administration, pursuant to the provisions of a contract;

(ii) Any person for use in laundering under contract with an exempt agency or with the United States Maritime Commission; or

(iii) Any person or agency specified by the Director.

(3) Use in soap for export to the Dominion of Canada under a license granted by the Dominion for such importation, or to any other country pursuant to an export license issued by the Foreign Economic Administration;

(4) Use in abrasive hand soap, or in soap used for non-detergent purposes or for the processing of textiles;

(5) Use in soap for sale to soap converters for further processing; or

(6) Until March 31, 1945, the use of fish oil by any manufacturer: *Provided, however*, That if such manufacturer used fish oil in the manufacture of soap during the base period, the amount so used shall be excluded in determining his quota under (b) (1) hereof.

(d) *Certificates*. (1) Any delivery of soap made through an intermediate distributor to an exempt agency or to the Veterans Administration, and any delivery of soap, direct or indirect, to any person specified in (c) (2) (i) or (c) (2) (iii) hereof, shall not result in an exemption from the quota restrictions under (b) (1) hereof, unless a certificate or certified copy thereof is obtained by the person claiming such exemption, which certificate shall contain the following: the name of the manufacturer and of the person making delivery of the soap, the amount and kind of soap delivered or to be delivered, and a statement that the person or agency to whom delivery has been or will be made has either received the soap covered by the certificate or has contracted therefor. If delivery has been or will be made to a person specified in (c) (2) (i) or (c) (2) (iii) hereof, the certificate shall state the purpose for which the soap is to be used. All certificates shall be signed by the person or

agency receiving the soap, or by an authorized representative, and shall be turned over to the deliverer who, if he is not the manufacturer of the soap, shall forward the certificate promptly to the manufacturer. Upon receipt of the certificate, the manufacturer named thereon shall endorse upon the certificate the amount of fats and oils used in the manufacture of the soap covered by the certificate.

(2) All certificates executed under (d) (1) hereof shall be retained by the person claiming exemption. All statements contained in such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(e) *Establishment of base period usage.* (1) No manufacturer may use fats and oils under (b) (1) hereof unless and until he has filed, on Form FDO 42-1, a report of his use of fats and oils in each class of soap for each calendar quarter of the base period.

(2) Fats and oils used by a manufacturer during the base period for any purpose set forth in (c) (2), (c) (4), or (c) (5) hereof, or in the manufacture of soap for export to a foreign country, shall be excluded in determining his quota under (b) (1) hereof.

(f) *Acquisition of facilities.* Any person who acquires all the soap making facilities of another person shall become entitled to the quotas of such person, whether or not he continues to operate such facilities in whole or in part, *Provided*, That he shall, within 30 days following such acquisition, inform the Director of the facilities acquired, their location, whether or not operations will be continued in the same or another location, and the amount of quota which he claims to have acquired for each class of soap.

(g) *Toll agreements.* Fats and oils owned by one person and processed by another shall be charged against the quota of the owner and not the processor, *Provided, however*, That the title to any soap so manufactured shall remain in the owner of the fats and oils and such owner shall market such soap and shall invoice and collect therefor through his own organization, and the processor shall not buy directly or indirectly any soap so produced. Otherwise, fats and oils so processed shall be chargeable against the quota of the processor.

(h) *Computation of quotas; diversion.* Any manufacturer may divert a quantity of fats and oils, from the average quarterly amount of fats and oils used by him in the base period in the manufacture of a particular class of soap, to the average quarterly amount of fats and oils used by him in the base period in the manufacture of another class of soap: *Provided*, That the total amount so diverted shall not exceed 250,000 pounds during any calendar quarter under this order; and, *Provided further*, That this total permitted use for all classes of soap in any calendar quarter shall not, after such diversion, exceed (but may be less than) his total permitted use of fats and oils in the manu-

facture of all soap as computed prior to such diversion.

(i) *Exemption for washed recovered linseed oil and domestic vegetable oil foots.* In computing the amount of fats and oils used under (b) (1), (b) (2), or (c) (1) hereof, a manufacturer need count only 50 percent of the actual amount of washed recovered linseed oil or domestic vegetable oil foots so used.

(j) *Purchases from exempt agencies.* The fat and oil content of any soap which is purchased by a manufacturer from any exempt agency, other than contract schools, marine hospitals, maritime academies, or licensed ship suppliers, shall not be chargeable against his quota if the product so purchased is used by him in reworking into any class of soap.

(k) *Exemption for lard and rendered pork fat.* Any manufacturer who, during the period from May 15 to June 30, 1944, both inclusive, and the period from July 17 to July 31, 1944, both inclusive, purchased and accepted delivery of lard or rendered pork fat, may use such lard or rendered pork fat without charge against quota in the manufacture of soap.

(l) *Records and reports.* (1) Every manufacturer, except a soap converter, who uses more than 15,000 pounds of fats and oils in any calendar quarter shall properly fill out and mail to the Bureau of the Census, Washington 25, D. C., Bureau of the Census Form BM-1 for each calendar month, on or before the 15th day of the month immediately following, and Bureau of the Census Form BM-2 for each calendar quarter, on or before the 15th day of the second month following such calendar quarter. Nothing contained herein shall be construed as requiring any person to file more than one form BM-1 in any month, or more than one form BM-2 in any calendar quarter, except that a separate report shall be filed for each plant in which such person uses fats and oils.

(2) Beginning with the third calendar quarter of 1944, every manufacturer subject to (b) (1) hereof shall file, on Form FDO 42-5, a quarterly report of his use of fats and oils in soap. Such report shall be filed on or before the 20th day of the month succeeding such calendar quarter.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production of and transactions in fats and oils.

(m) *Existing contracts.* The restrictions of this order shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(n) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(o) *Petition for relief from hardship.* Any person affected by this order who

considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Petitions shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator, he may, by request addressed to the Order Administrator, obtain a review of such action by the Director. After said review, the Director may take such action as he deems appropriate, which action shall be final.

(p) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using fats and oils. Any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(q) *Effect of other orders.* So far as any other war food order heretofore or hereafter issued limits or curtails to a greater extent than herein provided, the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(r) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless herein otherwise provided, be addressed to the Order Administrator, War Food Order No. 42, Fats and Oils Branch, Office of Distribution, War Food Administration, Washington 25, D. C.

(s) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(t) *Territorial scope.* This order shall apply within the 48 States and the District of Columbia.

(u) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., September 30, 1944.

Note: All reporting requirements of this order have been approved by, and all subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 30th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-15267; Filed, Oct. 2, 1944;
2:15 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51130]

PART 6—AIR COMMERCE REGULATIONS

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLA.; REDESIGNATION AS AIRPORT OF ENTRY

SEPTEMBER 30, 1944.

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U.S.C., 179 (b)), for a period of one year from September 17, 1944.

The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR Cum. Supp. 6.13), is hereby amended by changing the date of designation opposite the name of this airport to "September 17, 1944."

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 44-15270; Filed, Oct. 2, 1944;
3:17 p. m.]

TITLE 31—MONEY AND FINANCE

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1944 8th Supp. Dept. Circ. 570, Rev. April 20,
1943]

PART 226—SURETY COMPANIES

ISSUANCE OF CERTIFICATE OF AUTHORITY AS SURETY ON FEDERAL BONDS¹

SEPTEMBER 30, 1944.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (6 U.S.C., 6-13) as an acceptable surety on Federal bonds. An underwriting limitation of \$121,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

Ohio Farmers Indemnity Company, LeRoy, Ohio.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-15269; Filed, Oct. 2, 1944;
3:17 p. m.]

¹ Affects tabulation in § 226.1.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 58 Stat. 177; E.O. 9094, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943; 9 F.R. 64.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-635]

TUSKO TAVERN, INC., AND FRANK C. HART

Tusko Tavern, Inc., a corporation, and Frank C. Hart of Seattle, Washington, in March of 1944 began construction of a store and frozen food locker plant at 9800 Bothell Way, Seattle, Washington, without authorization from the War Production Board. The estimated cost of such construction was from \$3700.00 to \$4000.00, which amount exceeded the limit of \$1000.00 which was then taken to be the limit permitted by Conservation Order L-41, and the construction was in violation of that order. Frank C. Hart, who was president and sole stockholder of Tusko Tavern, Inc. was aware of War Production Board restrictions on construction, and the beginning and carrying on of this construction without authorization constituted a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 will divert critical materials to uses not authorized by the War Production Board if permitted to continue, and will hamper and impede the war effort of the United States of America. In view of the foregoing, it is hereby ordered, that:

§ 1010.635 *Suspension Order No. S-635.* (a) Neither Tusko Tavern, Inc., nor Frank C. Hart, his or their successors or assigns, nor any other person, shall do any construction on the store and frozen food locker plant at 9800 Bothell Way, including the putting up or altering of such structure, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Tusko Tavern, Inc. or Frank C. Hart, or his or their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on date of issuance.

Issued this 2d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F.R. Doc. 44-15272; Filed, Oct. 2, 1944;
4:19 p. m.]

PART 921—ALUMINUM AND MAGNESIUM

[General Preference Order M-2-b Revocation]

MAGNESIUM

Section 921.16 *General Preference Order M-2-b* is hereby revoked. This ac-

tion shall not be construed to affect in any way any liability or penalty incurred under the order. Order M-2-c, issued simultaneously with this revocation, contains certain provisions removing restrictions in other orders on the use of magnesium and also tells how to get it.

Issued this 3d day of October, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15307; Filed, Oct. 3, 1944;
11:21 a. m.]

PART 921—ALUMINUM AND MAGNESIUM
[Supplementary Limitation Order M-2-c]

MAGNESIUM

§ 921.17 *Supplementary Order M-2-c—(a) Restrictions on the use of magnesium in other orders removed.* All restrictions in other orders of the War Production Board as to the use of magnesium (whether referred to by name or as a metal) are inapplicable. However, restrictions in other War Production Board orders as to the quantity of an article which may be made or as to its size or type remain applicable even if the article is made wholly or partly out of magnesium.

(b) *How to get magnesium.* Persons wishing to acquire magnesium or magnesium products may place rated or unrated purchase orders on their supplier, without securing the approval of the War Production Board or the Aircraft Scheduling Unit of the Aircraft Resources Control Office. The orders so placed are subject to the priorities regulations of the War Production Board, and in particular Priorities Regulation No. 1.

(c) *Reports.* All persons engaged in the following operations shall file monthly reports with the Aluminum and Magnesium Division of the War Production Board as indicated below, and also any other reports as may be prescribed from time to time by the War Production Board.

Production of virgin magnesium, Form WPB-2413;
Smelting of magnesium scrap, Form WPB-2661;
Production of magnesium wrought products or castings (except incendiary bomb body castings), Form WPB-2290;
Production of magnesium powder, Form WPB-336;
Production of magnesium castings for incendiary bomb bodies, in accordance with Form (letter) WPB-2289.

Issued this 3d day of October, 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15308; Filed, Oct. 3, 1944;
11:21 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 1, Interpretation 11]

ACCEPTANCE OF POST-WAR ORDERS

The following interpretation is issued with respect to Priorities Reg. 1:

(a) Some orders and regulations of the War Production Board forbid the placing or acceptance of purchase orders for certain materials or products unless the purchase orders bear specified preference ratings, or unless they are accompanied by an allotment symbol or special authorization, or unless they meet some other condition. Such provisions do not, however, prohibit the placing or acceptance of a purchase order which by its express terms, is not to be filled until after removal of such restrictions by the War Production Board.

(b) A manufacturer may not, of course, schedule such orders for production, order material or place material in production to fill such orders until after the applicable WPB restriction is removed.

(c) For example, Order L-111 forbids the acceptance of an order for new hand trucks unless the order bears a rating of AA-5 or higher. Nevertheless, an unrated order for hand trucks may be accepted subject to the condition that no steps will be taken to fill it until the restriction on acceptance of unrated orders is removed.

(d) Priorities Regulation 24 provides that unrated orders for certain types of equipment can be placed only after specific permission of WPB. However, an unrated order for such equipment conditional on the revocation or relaxation of this restriction may be placed without specific permission.

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15303; Filed, Oct. 3, 1944;
11:21 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-602, Reinstatement and Amendment]

WICHITA BEACON

The Wichita Beacon, a corporation with its principal office in Wichita, Kansas was suspended on August 11, 1944 by Suspension Order No. S-602. It appealed from the provisions of the suspension order and, pending final determination of the appeal, the suspension order was stayed by the Chief Compliance Commissioner on August 16, 1944. The appeal has been considered by the Chief Compliance Commissioner, who has directed that the stay be terminated, the appeal be dismissed and the suspension order reinstated and amended. In view of the foregoing:

It is hereby ordered, That: § 1010.602, Suspension Order No. S-602 issued August 11, 1944, be and hereby is reinstated as of October 2, 1944; the stay of execution directed by the Chief Compliance Commissioner on August 16, 1944, be and hereby is amended by substituting for the present paragraph (a) the following:

(a) The Wichita Beacon, its successors or assigns, shall reduce its use of print paper during the fourth quarter of 1944 by 45 tons and during the first quarter of 1945 by 45 tons, under the consumption quota it would otherwise be entitled to use during those periods as specified by the provisions of Limitation

No. 198—2

Order L-240, unless otherwise authorized in writing by the War Production Board.

Issued this 2d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-16271; Filed, Oct. 2, 1944;
4:19 p. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Supplementary Limitation Order L-112-a, as Amended Oct. 3, 1944]

INDUSTRIAL POWER TRUCKS

In accordance with the provisions of § 1210.1 *General Limitation Order L-112*, which the following order supplements: It is hereby ordered, that

§ 1226.122 *Supplementary Limitation Order L-112-a—(a) Approved standard models.* Pursuant to paragraph (d) (2) of Limitation Order L-112, approved standard models of industrial power trucks for each manufacturer named in this supplementary order shall be those models listed below for such manufacturer: *Provided, however,* That notwithstanding any other provision of Limitation Order L-112, as supplemented, no such model shall be manufactured which is not produced in accordance with the following restrictions:

(1) No such model shall be manufactured in more than one size of platform width and length, nor shall any such model contain battery boxes built to accommodate larger capacity batteries than the manufacturer's standard battery for the model; and

(2) No fork truck (other than Army or Navy Ordnance models) having a load capacity rated at less than ten thousand (10,000) pounds shall be manufactured which is not (i) of the tilting, telescopic type and having a standard minimum over-all height not in excess of eighty-three (83) inches, and a standard maxi-

mum lift height, adopted for such model of fork truck by the manufacturer thereof, except that if any such model of fork truck has a rated load capacity for which one or more alternative (in addition to standard) maximum lift heights are shown in Table I below, then such model of fork truck may also be manufactured with any maximum lift height thus shown and with a standard minimum over-all height which may be in excess of eighty-three (83) inches, adopted for such fork trucks by the manufacturer; and (ii) equipped with a standard fork of the length designated in Table I for trucks of such capacity (but this restriction shall not be deemed to prohibit the furnishing of separate fork extensions):

TABLE I

Rated load capacity	Maximum lift height	Fork length
2,000 lb.	Standard	36"
3,000 lb.	Standard or 144"	36"
4,000 lb.	Standard or 144"	36"
6,000 lb.	Standard, 144" or 153"	42"
7,000 lb.	Standard or 144"	42"

Any manufacturer who has been engaged, prior to July 10, 1943, in producing fork trucks without standard heights or in heights not permitted by this order, shall determine upon and adopt a standard minimum over-all height and a standard maximum lift height for each of the approved standard models (and for each of the permitted maximum lift heights which he proposes to furnish in any model) being produced by him, in accordance with this order, within ten (10) days after July 20, 1943 (and for any proposed new model which he may propose to manufacture, within ten (10) days after the listing of such model in this order as an approved standard model); and such manufacturer shall not thereafter commence the manufacture of any model which is not produced in accordance with the standard heights so adopted by him.

Name of Manufacturer and Approved Standard Models

NOTE: Table amended Oct. 3, 1944

Atlas Car & Mfg. Co.	HP-2, HP-3, 2-EA-62, 3-EA-62, 2-EA-17, 3-EA-17, 3-DWT-2, 2-LWH, 3-LWH, 2-WT-2
Automatic Transportation Co.	LN-2, LN-3, LO-5, TLN-2, TLN-3, TLO-5, CHTF-2, THTF-L-4, THTF-L-6, THTF-L-6 (Ordnance Model), THTF-L-7, THTF-M-10, TN-4, TN-6, TW-4, TW-6 in platform lengths 36, 48, 60, and 72 inches and heights 6, 7, 9, and 11 inches, P-427, 2000# crane attachment
Baker-Raulang Co.	E-2, E-3, E-5, H-2, H-3, H-5, FAH-20, JOMH-40, JOMH-60, JOM-100, CXA, CXB, CXP, TJA, TJ
Barrett-Cravens Co.	Power OX—in platform lengths 48 and 60 inches, widths 19 and 25 inches, and heights 7, 9, and 11 inches
Berry Motor Car Co.	TT3-2NO, FHLT-2, FHLT-3
Buda Co.	Chore Boy, Chore Boy-EP
Clark Equipment Co.	Favorita, Tops, Plata, Elec-Plate, Stalwart-6025, Elec-Stalwart-C025, Clarkat, Standard, Mill, Transport, Otter, Badger, Puma, Tip-30, Dump-40, Shovel, Elec-Favorita
Crescent Truck Co.	LA-3, LAP, NA-4, NA-6, LDLE, NBR-4, NDHE, NDRE-4, NDRE-6, NCRE-4, NCRE-6, NCDE-4, NCTE-10, NTW
Dallas Machine & Locomotive Works, Inc.	PH-462-130, PH-562-130, PH-662-130, 4MH-4560, 4MH-5170, SMH-4560, SRH-5660, SRH-5770, SRH-5778, SRH-6978, SMH-5170, SRH-4560
Easton Car & Construction Co.	HP-4, HP-6, LP-4, LP-6, LL-4, LL-6, LL-6-10, TL-6-10, TLC-4, TLC-6

Name of Manufacturer and Approved Standard Models—Continued

Elwell-Parker Electric Co.	E-2, E-11, EQ-4, EP-4-11, EP-8, GEP-8, EP-10, ELN-6, ELN-10, F-15T, F-23, F-19, F-25, C-4, C-X, C-Z, 2000# crane attachment
John Engelson	66B
Erickson Special Equipment Mfg. Co.	FT, FA, FAA
Harry Ferguson, Inc.	Moto-Tug-25, Moto-Tug-40
Hadley & Dye Aircraft Parts Co.	Model 101
W. F. Hebard Equipment Co.	A-3V, A-3-Victory, A-14-Victory, J-233, J-233-N, J-233-WL, J-233-P
"HH" Manufacturers	1646, 1646TV, 2NC, 2NHD, 2GHD, C-2T, C-34
Hi-way Service Corp.	Drott L
Howell Industrial Truck Co.	112, 30, 90, 80-FC, 5
Hyster Co.	Karry Krane, Hyster-20, Hyster-75, Space Saver, M-4560, M-5766, MH-4566, MH-5778, MH-57-108, MH-6370, MH-6878
Lansing Co.	Models J and R
Lewis-Shepard Co.	EFIT3, EFIT4, GFTT3, GFTT4
Lift Trucks, Incorporated	EHN-3000# in platform lengths 38, 44, 50 and 62 inches, EHW-3000#, EHW-4000#, EHW-6000# in platform lengths 44, 50, 62 and 74 inches and 9 and 11 inch platform heights, KEN-4000#, KEN-6000#, KEW-4000#, KEW-6000# in platform lengths 44, 50, 62 and 74 inches and 3, 6, 7, 9 and 11 inch platform heights, PTN, PTW
MacDonald Truck Co.	A, B, C
Mercury Manufacturing Co.	A-1007, A-1006, A-1020, A-1001, A-1017, A-1018, A-1360, A-1480, A-1540, A-540, Banty
Moto-Truc Co.	NMSD-1, WE-1, MT-1, MT-3 MT-5, MT-6—Moto Truck platform in widths 20 and 26½ inches; lengths 36, 48, 60, and 90; heights 6, 7, 9, and 11 inches
Nutting Truck & Caster Co.	SCT, SLT, STT
Prescott Iron Works, Inc.	Model B
Rocky Mountain Steel Products, Inc.	Pony Express-24 volt, Pony Express-32 volt, Pony Express-Gas
Ross Carrier Co.	20-H, 19-HT, 18-H, 16-H, 15-H, 12-H, 70-5445, 70-6051, 90-6544, 90-6556, 90-7056, 90-7956, 90-7968, 90-10868
Schwitzer-Cummins Co.	F-462
Silent Hoist Winch & Crane Co.	A, AX, AY, DY, CK
Superior Grinding & Motor Parts Co.	STD, HD, TRX
Towmotor Corporation	LT-40, LT-44, LT-50, LT-56, LT-62, LT-72, K, C
Vaughan Motor Co.	TAW
Whiting Corp.	3-DHLT
Wright-Hibbard Industrial Electric Truck Co., Inc.	RBH and TRC in platform widths of 18 or 24 inches, platform lengths of 42 or 53 inches and lowered heights of 6½, 9, or 11 inches in 4000# capacity
Yale & Towne Mfg. Co.	K20-4, K20-6, KM-4L and KM-4H, 6¾ and 10½ inch platform heights, K23-EA, K23-E8, K26-S10, K22-4, K24-F, K24-FS, K-26, K-33, KM30-2M, K41-II, K41-III, K41-V, K41-VI, K42-3-7-65, K42-SH6-78, K42-G10-5½-78, C2-T
Yard-Man, Incorporated	D-Truck-Man

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15304; Filed, Oct. 3, 1944;
11:21 a. m.]

PART 1226—GENERAL INDUSTRIAL
EQUIPMENT

[General Limitation Order L-292, as Amended
Oct. 3, 1944]

FOOD PROCESSING MACHINERY

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of materials used in the production of food processing machinery, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1226.77 *General Limitation Order L-292*—(a) *Definitions*. For the purpose of this order:

(1) "Processor" means any person engaged in the business of preparing, processing, canning, packing or packaging human or animal foods or tobacco for distribution including the operation of a food processing plant on a farm. It does not include (i) a person to the extent that he engages in the production or raising of crops, livestock, or other farm produce; or (ii) a person to the extent that he prepares food for consumption on the premises (such as a hotel or restaurant), or distributes it at retail (such as a grocery or retail meat market); or (iii) governmental agencies processing food for governmental use, hospitals, charitable institutions processing food for their own use, or educational institutions.

(2) "Food processing machinery" means new machinery and equipment, of

the kinds specified in Schedule A with a retail sales value of \$50 or more for each machine or piece of equipment excluding (i) refrigerating machinery and equipment as defined in Limitation Order L-38, (ii) machinery and equipment used on a farm for production of food or tobacco, or on a fishing vessel for handling food, prior to delivery to a processor, (iii) scales and balances as defined in Limitation Order L-190, (iv) conveying machinery as defined in Limitation Order L-193, (v) machinery and equipment used for packaging, filling or labelling containers, except as otherwise indicated in Schedule A, (vi) oil processing machinery and equipment used in processing animal, fish and vegetable fats, oils and greases, and (vii) water filters as water-treating equipment.

(3) "Manufacturer" means any person engaged in the making or assembling of food processing machinery; and includes his subsidiaries and affiliates in the same business.

(4) "Dealer" means any person except a manufacturer engaged in the business of buying and reselling food processing machinery.

(5) "Approved order" means any order for delivery (under sale, lease, consignment or otherwise) of food processing machinery bearing (i) a rating of AA5 or higher assigned on any WPB or FEA Form listed in paragraph (c) or (ii) a CMP Regulation 5 or 5A rating applied to replace an existing piece of machinery of substantially the same size and capacity, worn out or damaged beyond repair.

(b) *Restrictions on deliveries*. (1) No person shall deliver or accept delivery of food processing machinery except on an approved order. Any person who places an approved order shall in addition to the certification used in applying the rating (Priorities Regulation 3 or 7) give the form number upon which he received the rating, or if the rating was assigned by CMP Regulation 5 or 5A, he shall add to the certification a statement substantially as follows: "This rating was assigned by CMP Regulation 5 (or 5A) and the machinery is ordered to replace other machinery of substantially the same size and capacity, worn out or damaged beyond repair."

(2) The restrictions of subparagraph (1) above shall not apply to: (i) Deliveries to a manufacturer or dealer to enable him to fill approved orders which he has actually received, or to replace in inventory machinery delivered by him to fill approved orders, (ii) delivery of food processing machinery to be used directly by the Army, Navy, Maritime Commission, or War Shipping Administration, (iii) delivery to a manufacturer of food processing machinery to be incorporated into other food processing machinery, or (iv) delivery of food processing machinery from one portion of an enterprise manufacturing, building or assembling it to a portion using it, when the material for its production was obtained by

the manufacturer in accordance with Direction 34 of CMP Regulation 1.

(c) *Instructions for obtaining an approved order other than pursuant to a CMP Regulation.* (1) Processors seeking food processing machinery for delivery within the United States or Canada, in order to get a rating should file:

(i) Form WPB-617 with the War Production Board for any food processing machinery which is to be installed as part of a project approved under Order L-41.

(ii) Form WPB-748 with the War Food Administration for all other dairy, egg or poultry processing equipment.

(iii) Form WPB-576 with the War Food Administration for all other canning machinery or equipment.

(iv) Form WPB-3155 with the War Food Administration for all other meat canning, meat packing and meat processing machinery or equipment.

(v) Form WPB-541 with the War Production Board for any other food processing machinery.

(2) All persons, other than processors, seeking any food processing machinery for delivery within the United States or Canada should file Form WPB-541 with the War Production Board.

(3) All persons, including processors, seeking any food processing machinery for export by them to other than Canada should file Form WPB-541 or Form FEA-419, whichever is appropriate with the War Production Board.

(d) [Revoked Oct. 3, 1944.]

(e) *Conservation of critical materials.* No person shall use stainless steel or tin, copper or copper base alloys, secondary copper-nickel alloys (white metal) made from scrap or remelt, nickel or chromium, in the manufacture or assembly of any food processing machinery except in contact parts or corrosion points. (As used herein "contact parts" means those parts which come in direct contact with any food products. "Corrosion points" mean those parts or fittings, stationary or movable, which are exposed to corrosive action from food products, water or brine and which, if corroded, will interfere with the normal operation of the machinery or equipment.) These restrictions on the use of materials shall not apply to repair parts for food processing machinery produced before June 30, 1943, if parts made of other material would not be interchangeable with the parts to be repaired or replaced. This paragraph also does not restrict the use of copper and copper-base alloys in electrical conductors, bearings, valves, instruments, motors, worm driven gears, and cappers.

(f) *Production quotas.* The War Production Board may at any time issue schedules as amendments to this order, fixing production quotas for certain types of food processing machinery. From the effective date of any such schedule no manufacturer may carry on production except as permitted by the schedule or schedules applicable to the food processing machinery made or assembled by him. The reference to "quota provisions of paragraph (g) (2)

(ii) of Order L-292" in schedules issued by the War Production Board before March 11, 1944 shall, for the purpose of such schedules, mean this paragraph (f) of Order L-292.

(g) *Miscellaneous provisions.*—(1) *Reports.* On or before the 15th day of each calendar month, each manufacturer shall file a report on Form WPB-2721. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board as amended from time to time.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(4) [Deleted Aug. 31, 1944.]

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C., Ref: L-292.

(h) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to make or assemble more food processing machinery or equipment than the quotas fixed under paragraph (f) of this order and schedules issued in accordance with that paragraph (including a person who has no quota under this order or the applicable schedule), may apply for permission to do so as explained in Priorities Regulation 25. Any quota restrictions in the applicable schedules based upon the necessity of having rated orders on hand do not apply to production authorized under that regulation.

(2) *Appeals.* Any appeal from the provisions of this order other than the quota restrictions of paragraph (f) and the schedules issued under paragraph (f), should be made by filing a letter in triplicate with the field office of the War Production Board for the district in which is located the plant to which the appeal relates. No appeal should be filed from the quota restrictions of paragraph (f) or the schedules issued under paragraph (f).

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHITMAN,
Recording Secretary.

SCHEDULE A

Machinery and equipment included in definition of "Food Processing Machinery" under paragraph (a) (2).

1. Baking and macaroni processing machinery and equipment. This term includes all preparation and processing machinery and equipment, and slicing and wrapping machinery used in commercial bakeries.

2. Brewing and winery machinery and equipment, including bottling, bottle capping and bottle labeling machinery and equipment but excluding refrigeration machinery and equipment.

3. Canning machinery and equipment. This term includes all preparation machinery and equipment, filling, labeling and casing machinery, and change parts for different can or container sizes, used in the canning, freezing, and fresh packing of fruits, vegetables, fishery products, (including fishery by-products) and all other human or animal food. It also includes preparation machinery and equipment used for dehydrating such foods. It does not include (i) preparation equipment for meat and meat products (ii) home canning and home dehydrating equipment (iii) container sealing and closing and jar capping machines (iv) refrigerating equipment and (v) steam jacketed kettles regardless of any use to which they may be put, which are designed to use steam at working pressures of less than 80 pounds per square inch, as governed by Limitation Order L-182. (Machinery for filling, labeling and casing dehydrated foods is covered by Order L-332.)

4. Coconut shredding and processing equipment.

5. Coffee, tea, cocoa, and spice grinding and processing equipment, 1 H. P. and larger.

6. Confectionery machinery and equipment.

7. Dairy, egg and poultry processing machinery and equipment used in the commercial processing of milk and milk products, eggs and poultry, including bottling, bottle capping and bottle labeling machinery and equipment and wrapping machinery but excluding (i) machinery or equipment used on a farm for the production and handling of milk, eggs or poultry prior to delivery to a processor and (ii) machinery or equipment covered by the provisions of Limitation Order L-237.

8. Flour, grain, feed milling and processing machinery and equipment and seed cleaning equipment.

9. [Deleted Nov. 22, 1943]

10. [Deleted Mar. 11, 1944]

11. Meat canning, meat packing and meat processing machinery and equipment. This term includes power-driven disc and blade saws (of fractional horsepower or more), band saws (1 horsepower or more), slicers (1 horsepower or more, and grinders (1 horsepower or more), and all other machinery and equipment used in the preparation and processing of meat products, filling, labeling and casing machinery, except (i) home canning equipment, (ii) container sealing and closing and jar capping machines, and (iii) refrigeration equipment.

12. Non-alcoholic beverage manufacturing machinery and equipment including bottling, bottle capping and bottle labeling machinery and equipment but excluding refrigeration machinery and equipment.

13. Sugar processing machinery and equipment.

14. Tobacco processing machinery and equipment, including wrapping machinery.

15. [Deleted Mar. 11, 1944]

SCHEDULE B

[Deleted Oct. 3, 1944]

SCHEDULE C

[Deleted Mar. 11, 1944]

SCHEDULE D

[Deleted Mar. 11, 1944]

INTERPRETATION 1

FOOD PROCESSING MACHINERY

Paragraph (a) (5) in defining "approved orders" for food processing machinery includes orders bearing a preference rating of AA-5 or higher assigned on certain specified forms (WPB-617, 576, 748, etc.). These forms in some cases call for the name and address of the supplier.

In these cases the information intended is the name and address of the probable supplier. Provided the model actually obtained is substantially identical in value, quality, size, operation and function with that named in the application form, the preference rating may be used to get the product from any manufacturer, dealer or processor who has the product on hand or is authorized to manufacture or acquire it. For example, a rating assigned to purchase a 1" centrifugal sanitary pump may ordinarily be used to purchase that size pump from any manufacturer if the value is substantially the same as that of the pump described in the application. On the other hand, a rating assigned for a 6-can-per-minute dairy can washer costing \$1000 may not be used to get a 6-can-per-minute can washer costing \$2500. Similarly, a rating for a copper-lined cheese vat may not be used to get a stainless steel cheese vat.

Approval of the form does not operate to authorize the supplier, whether or not named, to manufacture or acquire the product if that is otherwise prohibited. [Issued March 31, 1944.]

INTERPRETATION 2

FOOD PROCESSING MACHINERY

In accordance with paragraph (f) of General Limitation Order L-292, as amended, certain quota schedules have been established limiting the amount of controlled materials which may be used in manufacturing certain classes of food processing machinery during a specified quota period. The quota is a percentage of the average annual amount of such material consumed during a specified base period. The percentage applies to each controlled material (steel, copper or aluminum) separately. No part of the percentage of one controlled material shall be added to the total percentage of another. However, the permitted percentage of a particular controlled material may be divided in any way between the several categories of such material. For example, where a manufacturer is permitted to consume during the quota period 110% of the average annual amount of steel and copper he consumed during the base period, he is not permitted to apply part or all of his steel quota to his copper quota and thereby exceed his copper quota of 110%. However, he may consume during the quota period such amount of carbon steel and such amount of alloy steel as he chooses provided the aggregate does not exceed 110% of the average annual amount of steel consumed during the base period. This rule is subject to the restriction of any order of the War Production Board against the use of a higher grade or larger quantity of material than is necessary (for example, see paragraph (c) (1) of Order M-9-c, dealing with copper). [Issued April 3, 1944.]

[F. R. Doc. 44-15305; Filed, Oct. 3, 1944; 11:21 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-292, Quota Schedule IX-A]

PRODUCTION QUOTAS FOR COCONUT SHREDDING AND PROCESSING EQUIPMENT, COFFEE, TEA, COCOA, AND SPICE GRINDING AND PROCESSING EQUIPMENT, CONFECTIONERY MACHINERY, AND TOBACCO PROCESSING MACHINERY AND EQUIPMENT, INCLUDING WRAPPING MACHINERY

§ 1226.208 *Production quotas for coconut shredding and processing equipment, coffee, tea, cocoa and spice grinding and processing equipment (except equipment used in the manufacture of soluble and dehydrated coffee), all confectionery machinery, and tobacco processing machinery and equipment, including wrapping machinery.*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for all coconut shredding and processing equipment, coffee, tea, cocoa and spice grinding and processing equipment (except equipment used in the manufacture of soluble and dehydrated coffee), all confectionery machinery, and tobacco processing machinery and equipment, including wrapping machinery.

(b) *Definition.* "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1944, and ending September 30, 1945, no manufacturer shall use, in the fabrication or assembly of the kinds of machinery and equipment referred to below, more controlled materials than the respective percentages (as specified below for each kind of equipment) of the annual average gross tonnage of controlled materials used by him in the fabrication or assembly of that kind of machinery and equipment during the calendar years 1939, 1940, and 1941:

1. All coconut shredding and processing equipment, 10%
2. Coffee, tea, cocoa and spice grinding and processing equipment (except equipment used in the manufacture of soluble and dehydrated coffee), 10%
3. All confectionery machinery, 20%; and
4. Tobacco processing machinery and equipment, including wrapping machinery, 10%.

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of machinery and equipment covered by this Schedule IX-A required to fill specific orders received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission, War Shipping Administration or Veterans' Administration.

(e) *Increase, decrease, and transfer of quotas.* The War Production Board may, by specific written directions issued to any manufacturer or class of manufac-

turers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292 as amended from time to time.

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15302; Filed, Oct. 3, 1944; 11:21 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Limitation Order L-75 as Amended Oct. 3, 1944]

COAL STOKERS

Section 3288.76 *General Limitation Order L-75* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the manufacture of coal stokers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3288.76 *General Limitation Order L-75*—(a) *Definitions.* For the purpose of this order:

(1) "Coal stoker" means any device designed and produced for the purpose of feeding coal as a fuel to a combustion chamber and which has a grate area of 36 square feet or less; including but not limited to any feed screw, ram, spreader, or moving grate. Coal stokers shall not include any device designed and produced for the purpose of feeding coal as a fuel to a locomotive.

(b) *Restrictions on production.* (1) During the period from October 3, 1944 to November 3, 1944, no person shall manufacture, fabricate or assemble any coal stokers except as permitted in paragraph (b) (2) and those which have a coal feeding capacity in excess of 60 pounds per hour and then only from materials which were in inventory on October 3, 1944, or which the War Production Board has specifically authorized him to acquire and use under the Controlled Materials Plan or otherwise.

(2) After October 3, 1944, no person shall manufacture, fabricate or assemble any coal stoker except to the extent authorized by the War Production Board on Form GA-1850 or as permitted in para-

graph (b) (1). A limited production will be authorized but only where the applicants' proposed use of labor will not interfere with local and inter-regional recruitment of labor.

(3) A person wishing to make coal stokers under paragraph (b) (2) should apply for authorization by letter addressed to the nearest field office of the War Production Board. Ref: L-75. This letter should state the proposed production in units per quarter based on the following feeding capacities: 0 to 60 pounds per hour; 61 to 100 pounds per hour; 101 to 300 pounds per hour; 301 to 1,200 pounds per hour. Before filing this letter consult your W. P. B. Field Office regarding the necessity for submitting Form WPB-3820. Where the applicant will need controlled materials in order to produce the equipment, the letter requesting authorization should be accompanied by an application on Form CMP-4B for the controlled materials.

(4) The production of repair or replacement parts is not restricted by this order.

(c) *Distribution.* It is the policy of the War Production Board that each manufacturer shall distribute his production through his normal distribution channels, taking into consideration shipments to areas during 1941, migration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. The War Production Board may direct the distribution of specified amounts from any manufacturer's production to meet emergencies.

(d) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who wants to manufacture, fabricate or assemble more coal stokers than he has been authorized to make on Form GA-1850 (including a person who has no authorization) may apply for permission to do so as explained in Priorities Regulation 25. He may, still of course, apply for authorization under paragraph (b) (3) if he desires.

(2) *Appeals.* Any appeals from the provisions of this order other than the restrictions of paragraph (b) (2) should be filed on Form WPB-1477, with the Field Office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeals should be filed from the restrictions of paragraph (b) (2).

(e) *Applicability of regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(f) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-75.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 3d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15306; Filed, Oct. 3, 1944;
11:21 a. m.]

**PART 4600—RUBBER, SYNTHETIC RUBBER,
BALATA AND PRODUCTS THEREOF**

[Rubber Order R-1, as Amended Aug. 25, 1944,
Amdt. 1]

Rubber Order R-1 as amended August 25, 1944 is hereby amended in the following respects:

(1) By deleting § 4600.01 (g) (Definition of "Balata").

(2) By deleting § 4600.04 (Balata).

(3) By amending the phrase, "rubber, synthetic rubber and/or balata" in §§ 4600.01 (i) and 4600.08 to read, "rubber or synthetic rubber", wherever the same may appear in said sections; and by amending the phrase, "rubber, synthetic rubber, chlorinated rubber, or balata" in § 4600.06 to read, "rubber, synthetic rubber or chlorinated rubber," wherever the same may appear in said section; and by deleting the term "balata" from § 4600.07.

(4) By amending paragraph (a) of § 4600.19 (Special authorizations to consume GR-S, reclaimed and scrap rubber in the manufacture of non-permitted products) to read as follows:

(a) *How to make application.* A person who wishes to obtain authorization should file his application on Form WPB-2242 with the War Production Board Field Office in the district in which the plant is located, accompanied by Form WPB-3820 (Statement of Manpower Information). Form WPB-2242 and Section II of Form WPB-3820 are to be filled out in accordance with the instructions accompanying these forms. If the application is approved, the person filing it will receive from the War Production Board an authorization showing the amounts of GR-S, reclaimed or scrap rubber which he may consume and any special conditions applicable to manufacture by him.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9240, 7 F.R. 7379, as amended by E.O. 9475, 9 F.R. 10817, WPB Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 2d day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15373; Filed, Oct. 2, 1944;
4:19 p. m.]

**Chapter XI—Office of Price
Administration**

**PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS**

[MPR 418; Amdt. 36]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In section 22 tables A, B, C and D a footnote 40 is added to the names of Schedule 62—Lake Herring (*Leucichthys artedii*) and Schedule 63—Lake Herring—Caught in Saginaw Bay (*Leucichthys artedii*) to read as follows:

*The provisions of this regulation so far as they apply to Schedule 62—Lake Herring—and Schedule 63—Lake Herring caught in Saginaw Bay—of tables A, B, C and D are hereby suspended.

This amendment shall become effective October 2, 1944.

Issued this 2d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15274; Filed, Oct. 4, 1944;
4:41 p. m.]

PART 1305—ADMINISTRATION

[Gen. R.O. 9; Amdt. 7]

TEMPORARY FOOD RATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

General Ration Order No. 9 is amended in the following respects:

1. The second sentence of § 1305.65 (c) is amended by amending the phrase "8 points of processed foods" to read "10 points of processed foods".

2. The second sentence of § 1305.65a (c) is amended by amending the phrase "11 points of processed foods" to read "10 points of processed foods".

This amendment shall become effective October 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 39, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. War Food Orders Nos. 56, 58, 59, 61 and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319; Supp. 1 to War Food Order No. 61, 9 F.R. 9134, 9369)

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15359; Filed, Oct. 3, 1944;
11:33 a. m.]

*Copies may be obtained from the Office of Price Administration.

*8 F.R. 9069, 10033, 10513, 10939, 11734, 11687, 12463, 12233, 12633, 13237, 13182, 13302, 14049, 14476, 14616, 15237, 15430, 16131, 16233, 16236; 9 F.R. 90, 1325, 1532, 1575, 2133, 2403.

*8 F.R. 7107, 10079, 12786, 15378, 16115; 9 F.R. 4348.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS.

[RO 5C,¹ Amdt. 155]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. In § 1394.8216 the section heading is amended by substituting for the word "disposal" the word "replacement."

2. In § 1394.8216 (a) (3) the first sentence is amended by substituting for the words "inventory coupons" the words "ration check" and by deleting the parenthetical phrase "(or a gasoline deposit certificate, if the applicant is an intermediate distributor)."

3. Section 1394.8216 (a) (3) is further amended by adding as a new undesignated paragraph following subdivision (i) the following sentence:

No replenishment of loss or shortage allowed under this paragraph shall operate as a waiver of any violation of this order.

4. Section 1394.8216 (a) (4) is deleted because the effect of the subparagraph is incorporated in § 1394.8216 (a) (3).

5. Section 1394.8216 (b) is amended to read as follows:

(b) *Replacement of invalidated coupons and evidences*—(1) *General*. In the event that any dealer or intermediate distributor has in his possession or control (i) any coupon or other evidence which he acquired after September 22, 1942, in exchange for a lawful transfer of gasoline, and which coupon or evidence can no longer be lawfully transferred by him or deposited in a ration bank account at the same unit value which such coupon or other evidence had at the time and place of surrender by a consumer in exchange for a transfer of gasoline, or (ii) inventory coupons lawfully acquired by him before July 15, 1944, the dealer or intermediate distributor shall surrender such coupon or other evidence to the Board having jurisdiction over the area where his place of business is located. Except for an application made on or before November 30, 1944, applications must be made within three months from the date on which the coupon became invalid in exchange for a transfer of gasoline to the applicant at the same unit value which it had when acquired by the applicant.

(2) *Application for replacement and action by Board*. Every dealer and intermediate distributor shall prepare in triplicate on Form OPA R-541, a list of the coupons and other evidences so surrendered, the unit value of any inventory coupons surrendered, and in the case of

other coupons or evidences the unit value which each coupon or other evidence had at the time and place it was surrendered by a consumer in exchange for a transfer of gasoline. Such applicant shall also prepare a written statement in triplicate setting forth: (i) The reasons he was unable to dispose of the coupons or other evidences within the time prescribed by this order; (ii) the storage capacity, quantity of gasoline on hand, and the total gallonage value of the ration credits, gasoline deposit certificates, coupons and other evidences on hand for such place of business. He shall sign the summary of coupons and evidences (Form OPA R-541) and the statement and shall file the original and one copy thereof with the Board having jurisdiction over the area where his place of business is located. The Board shall forward one copy of the summary and statement, containing a notation of the action of the Board thereon, to the Chief Enforcement Attorney in the Office of the District Director having jurisdiction over the area where the Board is located. If the Board finds that the inventory coupons, if any, were lawfully acquired by the dealer or intermediate distributor at the unit value listed and that, with respect to other coupons or evidences, such coupons or evidences were acquired by the dealer or intermediate distributor at the unit value listed in exchange for a lawful transfer of gasoline, and that there was good reason for the dealer's or intermediate distributor's failure to dispose of the coupons within the time prescribed, the Board shall issue a ration check equal in gallonage value to the listed value of the coupons surrendered, except that the Board shall not issue a ration check in an amount which would cause the aggregate gallonage value of all ration credits, gasoline deposit certificates, coupons or other evidences in the possession or control of the dealer or intermediate distributor to exceed the unfilled portion of the registered storage capacity of such dealer or intermediate distributor. In the event the Board disallows the application it shall retain all coupons and other evidences which are invalid and return to the applicant those evidences which are still valid and which then have a value less than the value at which they were received by the applicant.

This amendment shall become effective October 7, 1944.

(Pub. Laws 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; WFB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15315; Filed, Oct. 3, 1944;
11:34 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F,¹ Amdt. 13]

MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5F is amended in the following respects:

1. Section 5.1 (b) is amended to read as follows:

(b) When issued as a supplemental ration, Class B, C and D Books shall contain the number of coupons specified in the tables set forth in section 5.5, necessary to provide the mileage allowed by the Board.

2. Section 5.1 (c) is revoked.

3. Section 5.4 (b) is amended by deleting the numerals "395" and substituting the numerals "400".

4. Section 5.4 (d) is revoked.

5. Section 5.5 (a) (1) (i) is amended to read as follows:

(i) For mileage of 400 miles per month or less; a Class B book bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Table I for the mileage allowed.

6. Section 5.5 (a) (1) (ii) is amended by deleting the numerals "395" and substituting the numerals "400" and by deleting the word "expiration" and substituting the words "earliest renewal".

7. Section 5.5 (b) is amended to read as follows:

(b) The Board shall remove and cancel all coupons in Class B, C and D books in excess of the number to be issued.

8. Section 5.5 (c) is amended by deleting the word "conclusively".

9. Section 5.5 is amended by changing Tables I and II as follows:

TABLE I—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION

[For passenger automobiles with an allowed mileage of 400 miles or less]

PASSENGER AUTOMOBILES	
Miles per month:	"B" coupons for 3 months
1-20.....	1
21-40.....	2
41-60.....	3
61-80.....	4
81-100.....	5
101-120.....	6
121-140.....	7
141-160.....	8
161-180.....	9
181-200.....	10
201-220.....	11
221-240.....	12
241-260.....	13
261-280.....	14
281-300.....	15
301-320.....	16
321-340.....	17
341-360.....	18
361-380.....	19
381-400.....	20

¹ 8 F.R. 10742, 10757, 13125, 14155, 15985; 9 F.R. 2746, 9513, 4433, 4611, 4770, 5730, 6111.

* Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 15937.

MOTORCYCLES

Allowed mileage:	Number of coupons to be issued in offi- cial or Fleet Class "D" book:
0-13	1
14-27	2
28-40	3
41-53	4
54-67	5
68-80	6
81-93	7
94-107	8
108-120	9
121-133	10
134-147	11
148-160	12
161-173	13
174-187	14
188-200	15
201-213	16
214-227	17
228-240	18
241-253	19
254-267	20
268-280	21
281-293	22
294-306	23
307-320	24
321-333	25
334-346	26
347-360	27
361-373	28
374-386	29
387-400	30

TABLE II.—DETERMINATION OF AMOUNT OF SUPPLEMENTAL, OFFICIAL OR FLEET RATION

[For passenger automobiles with an allowed mileage of more than 400 miles per month]

PASSENGER AUTOMOBILE

Allowed mileage:	"C" coupons for 3 months
401-420	21
421-440	22
441-460	23
461-480	24
481-500	25
501-520	26
521-540	27
541-560	28
561-580	29
581-600	30
601-620	31
621-640	32
641-660	33
661-680	34
681-700	35
701-720	36
721-740	37
741-760	38
761-780	39
781-800	40
801-820	41
821-840	42
841-860	43
861-880	44
881-900	45
901-920	46

NOTE: In the event allowed mileage exceeds 920 miles for a passenger automobile, one additional coupon shall be issued for each 20 miles, or fraction thereof, of allowed mileage in excess of 920 miles.

MOTORCYCLES

Allowed mileage:	Number of coupons (Supplementary Class "D" books)
401-413	31
414-427	32
428-440	33

MOTORCYCLES—continued

Allowed mileage—Con.	Number of coupons (Supplementary Class "D" books)
441-453	34
454-466	35
467-480	36
481-493	37
494-506	38
507-520	39
521-533	40
534-546	41
547-560	42
561-573	43
574-586	44
587-600	45
601-613	46
614-626	47
627-640	48

NOTE: In the event allowed mileage exceeds 640 miles for motorcycles, one additional coupon shall be issued for each 13 miles, or fraction thereof, of allowed mileage in excess of 640 miles. Additional books may be issued if necessary to provide additional coupons.

10. Section 5.7 (a) is amended by deleting the numerals "395" and substituting the numerals "400".

11. Section 5.7 (c) is amended by deleting the last two sentences.

12. Section 6.1 (b) is amended to read as follows:

(b) When issued as an official or fleet ration Class B, C or D books shall contain the number of coupons specified in the tables set forth in section 5.5 necessary to provide the mileage allowed by the Board.

13. Section 6.4 (b) is amended by deleting the numerals "395" and substituting the numerals "400" and by deleting after the word section "6.5" and substituting "5.5".

14. Section 6.5 (a) (1) (i) is amended as follows:

(i) For mileage of 400 miles per month or less: A Class B book bearing earliest renewal dates three months from the date of issuance and containing the number of coupons specified in Table I of section 5.5 for the mileage allowed.

15. Section 6.5 (a) (1) (ii) is amended to read as follows:

(ii) For mileage exceeding 400 miles per month: Class C books bearing earliest renewal dates three months from the date of issuance and containing the number of coupons in Table II for the mileage allowed.

16. Section 6.5 (a) (2) is amended by deleting the word "expiration" and substituting the words "earliest renewal" and by deleting the numerals "III or IV" and substituting the numerals "I or II".

17. Section 6.5 (b) is amended to read as follows:

(b) The Board shall remove and cancel all coupons in Class B, C or D books in excess of the number issued.

18. Section 6.5 (c) is amended by deleting the word "conclusively".

19. Section 7.5 is amended by deleting Tables III and IV.

20. Section 10.5 is amended as follows:

In the last sentence between the words "its" and "expiration" insert the words "earliest renewal or".

21. Section 11.1 (a) is amended by changing the first sentence to read:

(a) Any time within thirty days prior to the earliest renewal or expiration date of any ration; or at any time thereafter, application may be made for a renewal of a ration.

22. Section 11.1 (c) is amended to read as follows:

(c) Except as provided in section 11.2 and 11.3 no ration of any class may be renewed for use prior to (or may be used prior to) the earliest renewal or expiration date of the current ration of the same class.

23. Section 11.2 is amended by changing the title as follows:

SEC. 11.2 *Issuance of further rations for use prior to the earliest renewal or expiration of current ration.*

24. Section 11.2 (b) (2) is amended as follows:

(2) The reason why a further ration will be needed for use prior to the earliest renewal or expiration date of the current ration.

25. Section 11.3 (a) is amended to read as follows:

(a) Any person who is eligible for preferred mileage under section 5.6 and has been issued a supplemental ration based on an allowed mileage of 400 miles or less per month and any person who has been issued a supplemental ration based on an allowed mileage in excess of 400 miles per month may apply for a further ration for use prior to the earliest renewal of his current ration if he finds that his vehicle cannot be operated for fifteen miles (or in the case of a motorcycle, for forty miles) on a gallon of gasoline.

26. Section 12.7 is amended by deleting the numerals "395" and substituting the numerals "400".

This amendment shall become effective as of October 1, 1944.

NOTE: All record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget as required by the Federal Reports Act of 1942.

Issued this 3d day of October 1944.

GERALD A. BARRETT,
Acting Territorial Director.

Approved:

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44-15316; Filed, Oct. 3, 1944;
11:34 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS
[MPR 373, Corr. to Amdt. 79]

MISCELLANEOUS COMMODITIES AND SERVICES
IN HAWAII

Section 70, wherever appearing in Amendment 79 to Maximum Price Regulation 373, is corrected to read section 71.

This correction shall become effective as of August 1, 1944.

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15310; Filed, Oct. 3, 1944;
11:34 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL
COMMODITIES

[RMFR 492]

SEED POTATOES

Maximum Price Regulation 492 is revised and amended to read as set forth herein. In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and comply with all the provisions and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders 9250 and 9328.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another Government agency.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sec.

1. Applicability.
 2. Sales at other than maximum prices.
 3. Evasion.
 4. Enforcement.
 5. Licensing.
 6. Records and reports.
 7. Interpretations, Protests and petitions for amendment.
 8. Definitions.
 9. Maximum prices for sales of seed potatoes.
- Appendix A—Base prices for sales of seed potatoes.

AUTHORITY: Secs. 1 to 10, inclusive, (§ 1439-57) issued under 58 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Applicability.* (a) Except as provided in paragraph (b) of this section, this regulation shall apply to all sales within the 48 states and the District of Columbia of domestic and imported certified seed potatoes and war approved seed potatoes as hereinafter defined, whether sold for immediate or future delivery.

(b) *Sales excepted.* This regulation shall not apply to:

- (1) Foundation stock seed potatoes.
- (2) All other white flesh potatoes which shall be and remain subject to Revised Maximum Price Regulations Nos. 271, 422 and 423, as amended.

*Copies may be obtained from the Office of Price Administration.

(3) Potato eyes cut out of the tuber of a seed potato.

(4) Certified seed potatoes or war approved seed potatoes purchased by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable, if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation No. 1 to the General Maximum Price Regulation, as amended: *Provided, however,* That the Administrator may by order waive the reporting of any part of the information required by section 4.3 (f) in connection with the particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances and he may in lieu thereof require the reporting of other information more suited to the circumstances.

(5) Any export sale of any certified seed potatoes or war approved seed potatoes. The maximum price for such sales shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.¹

SEC. 2. *Sales at other than maximum prices.* (a) Regardless of any contract or obligation, no person shall sell or deliver, and no person shall, in the course of trade or business, buy or receive any of the commodities covered by this regulation at a price above the maximum price established by this regulation, nor shall any person agree, solicit, offer, or attempt to do any of the foregoing: *Provided, however,* That this prohibition is subject to the exception provided for in subparagraph (1) of this paragraph.

(1) Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended. The authorization may be given by an order of the Administrator or of any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

(b) Prices lower than the maximum prices established by this regulation may be charged or paid.

SEC. 3. *Evasion.* No person shall evade this regulation directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying-

agreement or other trade understanding; by a business practice relating to grading, labeling, or packaging, or in any other way.

SEC. 4. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation or suspension provisions, civil enforcement actions, suits for damages, and criminal penalties, as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 5. *Licensing.* The provisions of Licensing Order No. 1,² licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 6. *Records and reports.* (a) Except in the case of sales and deliveries by producers and retailers of certified seed potatoes or war approved seed potatoes for which maximum prices are established by this regulation, every person making a purchase or sale of any such seed potatoes in the course of trade or business shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect complete and accurate records of each such purchase and sale including the date thereof, the name of the seller and purchaser, the quantity sold and the price paid.

(b) Every carlot distributor shipping certified seed potatoes or war approved seed potatoes in any conveyance, other than a railroad freight car, shall post or cause to be posted in the conveyance a manifest showing the following:

The name and address of the carlot distributor, point from which the seed potatoes in question are shipped, production area, quantity sold, state or area of maximum f. o. b. price at the point of shipment, name and address of the person to whom the goods are shipped, and the date of shipment. The carlot distributor shall retain a copy of the manifest pursuant to paragraph (a) of this section.³

(c) Upon demand, every seller who is required by this section to keep records, shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.⁴

SEC. 7. *Interpretations, protests and petitions for amendment.* Any person seeking an interpretation or an amendment of, or desiring to file a protest against, any provisions of this regulation may do so in accordance with Revised Procedural Regulation No. 1,⁵ as

² 8 F.R. 13240.

³ The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

⁴ Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

⁵ 7 F.R. 9861.

¹ 8 F.R. 4132.

amended, issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) As used in this regulation the following terms shall have the following meanings:

(1) "Foundation stock seed potatoes" are seed potatoes grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown.

(2) "Certified seed potatoes" are seed potatoes grown, inspected and certified to be of such class pursuant to the laws and regulations governing the official certifying agency of the state or foreign country where grown.

(3) "War approved seed potatoes" are seed potatoes grown, inspected, approved, and tagged or labelled as being of such class pursuant to the laws and regulations governing the official certifying agency of the state where grown: *Provided*, That the standards therefor as established by each state have been filed with and approved by the United States Department of Agriculture as meeting the minimum federal requirements for such class.

(4) "Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing, and includes the United States or any other Government or any political subdivision or agency of any of the foregoing.

(5) "Producer" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person who grew or harvested the lot of certified seed potatoes or war approved seed potatoes in question and any farmer who procured said commodities from their producer.

(6) "Carlot distributor" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person who ships certified seed potatoes or war approved seed potatoes in lots of 20,000 pounds or more to a place other than the place where such seed potatoes were graded, inspected and tagged and there sells such lot to any person other than a retailer or planter without warehousing or breaking into smaller quantities.

(7) "Wholesaler" means, with respect to a particular lot of certified seed potatoes or war approved seed potatoes, a person who sells certified seed potatoes or war approved seed potatoes to retailers in any quantity or to planters in quantities of 1000 pounds or more.

(8) "Retailer" means, with respect to any particular lot of certified seed potatoes or war approved seed potatoes, a person who sells certified seed potatoes or war approved seed potatoes to planters in quantities of less than 1000 pounds.

(9) "Transportation cost" means:

(i) If a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charge actually incurred for the transportation service; or

(ii) If hauling is done by truck, passenger car or wagon, the customary scale of charges for the haul in question.

(iii) If delivery is made by mail, the lowest established postal rate for the delivery in question or the zone rate established by the seller by averaging the lowest established postal rates for the zones selected.

(iv) When any movement involves a combination of more than one of the types of transportation included in (i), (ii) and (iii), the transportation cost for the movement of each type shall be computed separately and the results added.

(v) When the services of precooling, icing or other protective measures are ordered by the shipper, he may charge the reasonable value of such services (not exceeding any maximum price established therefor).

SEC. 9. *Maximum prices for sales of certified seed potatoes and war approved seed potatoes.* Maximum prices for all sales of certified seed potatoes and war approved seed potatoes are found in this section. Maximum prices of such seed potatoes vary according to the place where produced and the period during which they are delivered. The base prices of certified seed potatoes and war approved seed potatoes according to place where produced and month of delivery are found in Appendix A. Whenever reference is made to a base price, refer to the Appendix. In the Appendix you will find that the particular seed potatoes you are selling have their own base price, without reference to the type of seller you may happen to be.

Once a base price has been determined, this section will explain how you determine your own maximum price. You must consult the definitions to determine your class of seller on a particular sale, as we have defined your status according to the particular sale you are making. You may be one class of seller on one sale and another class of seller on a different sale.

(a) *Producer.* If you are a producer your maximum price for the sale or de-

livery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus your transportation cost, if any, from your nearest shipping point, if delivered by common carriers; or from the farm where grown to the buyer's receiving point, if delivered by other than common carrier.

(b) *Carlot distributor.* If you are a carlot distributor your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost on the lot in question, and plus \$0.20 per 100 pounds.

(c) *Wholesaler.* If you are a wholesaler your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost on the lot in question and plus \$0.74 per 100 pounds.

(d) *Retailer.* If you are a retailer your maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes shall be the appropriate base price in Appendix A for the kind of seed potatoes you are selling, plus transportation cost on the lot in question, and plus the applicable markups shown in subparagraph (1) or (2) below:

(1) \$1.25 per 100 pounds for sales in lots of 100 up to 1000 pounds; and

(2) \$0.02½ per pound for sales in lots of less than 100 pounds.

(e) *Sellers not specifically named in this regulation.* The maximum price for the sale or delivery of certified seed potatoes or war approved seed potatoes by any seller not specifically provided for in this regulation shall be the maximum price which he could lawfully have paid the person from whom he obtained the seed potatoes in question.

APPENDIX A—BASE PRICES

(a) Certified seed potatoes.

Place where produced	Base price per 100 pounds, casked, by month of delivery									
	1944 crop									
	1944				1945					
	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
North Atlantic:										
Maine, all.....	\$3.15	\$3.15	\$3.25	\$3.35	\$3.45	\$3.45	\$3.55	\$3.65	\$3.75	\$3.75
New Hampshire, all.....	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Vermont, all.....	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Massachusetts, all.....	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Rhode Island, all.....	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
Connecticut, all.....	3.60	3.60	3.70	3.80	3.85	3.90	4.00	4.10	4.20	4.20
New York:										
Long Island.....	3.60	3.60	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Rest of State.....	3.45	3.45	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00
New Jersey, all.....	3.60	3.60	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Pennsylvania, all.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
East North Central:										
Ohio, all.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Indiana, all.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Illinois, all.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Michigan, all.....	3.35	3.35	3.45	3.55	3.60	3.65	3.75	3.85	3.95	3.95
Wisconsin, all.....	3.25	3.25	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
West North Central:										
Minnesota:										
Red River Valley.....	3.65	3.65	3.75	3.85	3.90	3.95	4.05	4.15	4.25	4.25
Rest of State.....	3.25	3.25	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
Iowa:										
Hollandale district.....	3.25	3.25	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
Rest of State.....	3.45	3.45	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00
Missouri, all.....	3.25	3.25	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80

APPENDIX A—BASE PRICES—Continued

(a) Certified seed potatoes—Continued.

Place where produced	Base prices per 100 pounds, sacked, by month of delivery									
	1944 crop									
	1944				1945					
	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
West North Central—Continued.										
North Dakota:										
Bowman, Golden Valley, Billings, McKenzie, Williams, and Divide Counties.....	\$3.25	\$3.25	\$3.35	\$3.45	\$3.50	\$3.55	\$3.65	\$3.75	\$3.85	\$3.85
Rest of State.....	3.05	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65
South Dakota, all.....	3.15	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Nebraska, all.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Kansas, all.....	3.20	3.20	3.30	3.40	3.45	3.50	3.60	3.70	3.80	3.80
West:										
Montana, all.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Idaho:										
Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner and boundary counties.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Rest of State.....	3.15	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Wyoming, all.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Colorado:										
San Luis Valley and Greeley District.....	3.15	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Western Slope.....	3.10	3.10	3.20	3.30	3.35	3.40	3.50	3.60	3.70	3.70
New Mexico, all.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
Arizona, all.....	3.50	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
Utah, all.....	3.05	3.05	3.15	3.25	3.30	3.35	3.45	3.55	3.65	3.65
Nevada, all.....	3.30	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Washington, all.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
Oregon:										
Malheur County.....	3.15	3.15	3.25	3.35	3.40	3.45	3.55	3.65	3.75	3.75
Curry, Jackson, Josephine, Klamath, Lake, and Harvey Counties.....	3.30	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Rest of State.....	3.25	3.25	3.35	3.45	3.50	3.55	3.65	3.75	3.85	3.85
California:										
Modoc and Siskiyou Counties.....	3.30	3.30	3.40	3.50	3.55	3.60	3.70	3.80	3.90	3.90
Rest of State.....	3.50	3.50	3.60	3.70	3.75	3.80	3.90	4.00	4.10	4.10
All other States.....	3.45	3.45	3.55	3.65	3.70	3.75	3.85	3.95	4.05	4.05
All foreign countries.....	The base price of domestic certified seed potatoes, as if grown at the port of entry.									

(b) The prices in the table in paragraph (a) shall be reduced at the rate of \$0.50 per 100 pounds for the sale of war approved seed potatoes.

(c) Whenever certified seed potatoes or war approved seed potatoes are sold in bulk or buyer's sacks, the prices specified in paragraphs (a) and (b) of this section shall be reduced by the reasonable value of the new 100-pound sacks of a type customarily used to bag such seed potatoes if sold in bulk, or of the sacks actually furnished by the buyer if he furnished the sacks.

This regulation shall become effective October 9, 1944.

Issued this 3d day of October 1944.

JAMES F. BROWNLEE,
Acting Administrator.

Approved: September 23, 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-15311; Filed, Oct. 3, 1944;
11:33 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVIII—Office of Economic Stabilization

[Directive 11]

GRAPES FOR CANNING 1944 CROP

GROWER PRICES; DELEGATION OF AUTHORITY TO OFFICE OF PRICE ADMINISTRATION

The Price Administrator, on September 16, 1944 and the War Food Admin-

istrator, on September 22, 1944, having submitted certain information and recommendations to me with reference to establishing a grower price of \$55.00 per ton for Thompson seedless grapes for canning, it is hereby found and determined that the policy established by Executive Orders 9250 and 9328 (3 CFR Cum. Supp., pp. 1213-1267) will be effectuated by adoption of the recommended price.

The Office of Price Administration, therefore, is authorized and directed to use in establishing ceiling prices for canned fruit cocktail and fruit mix a grower price for Thompson seedless grapes not in excess of \$55.00 per ton.

Effective date: September 28, 1944.

(E.O. 9250 and E.O. 9328)

Issued this 30th day of September 1944.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-15268; Filed, Oct. 2, 1944;
3:19 p. m.]

Chapter XIX—Defense Supplies Corporation

[Reg. 4, Amdt. 2]

PART 7004—FLOUR PRODUCTION PAYMENTS CLAIMS AND RATE OF PAYMENT

Regulation No. 4 is amended in the following respects:

In § 7004.3 (9 F.R. 1823), paragraph (c) is amended by changing the period at the end to a comma and adding the words: "except that for the month of October, 1944, two claims shall be filed in accordance with instructions of Defense Supplies Corporation."

Section 7004.5 is revised to read as follows:

§ 7004.5 *Rate of payment.* Rates and the periods during which such rates will be effective will be determined and announced from time to time.

This amendment shall become effective as of October 11, 1944.

Issued this 30th day of September 1944.

(Sec. 5d, Reconstruction Finance Corporation Act, as amended, 52 Stat. 212, 54 Stat. 573; 15 USC 606b; Defense Supplies Corporation Charter, 6 F.R. 2972)

DEFENSE SUPPLIES CORPORATION,

By GEORGE H. HILL, Jr.,

Executive Vice President.

[F. R. Doc. 44-15290; Filed, Oct. 3, 1944;
10:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circ. 1585]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALE OF TIMBER

Section 115.42 is amended to read as follows:

§ 115.42 *Acceptance and rejection of bids.* The right is hereby reserved to waive technical defects in the advertisement; to reject all bids, or to award the timber for the amount of the highest bid to the next highest qualified bidder when the officer authorized to approve the contract shall deem the high bidder unqualified to fulfill the contractual requirements of the advertisement, or to other than the highest bidder when necessary, pursuant to the Act of August 28, 1937 (50 Stat. 874), in order to provide a continued supply of timber to local industry, so as to assure the permanence of community which is dependent upon such industry. Any award to other than the highest bidder, irrespective of the amount involved, shall be submitted to the Secretary of the Interior for his approval.

FRED W. JOHNSON,
Commissioner.

Approved: September 23, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-15301; Filed, Oct. 8, 1944;
11:05 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-2]

PART 191—HOURS OF SERVICE

MAXIMUM HOURS OF SERVICE OF MOTOR CARRIER EMPLOYEES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of August, A. D., 1944

It appearing, that § 191.5 of Title 49, Code of Federal Regulations (Rule 5 (b) of Part 5 of the Motor Carrier Safety Regulations, Revised) requires motor carriers to file monthly reports of time on duty and time of driving in excess of the hours permitted by §§ 191.3 (a) and (b) (Rules 3 (a) and (b), Part 5); that § 191.6 of said Title 49 (Rule 6 (b), Part 5) requires motor carriers to file reports of driving time in excess of the daily driving limitation of § 193.3 (b) caused by adverse weather or traffic conditions; and that by an order herein of February 8, 1939 (4 F.R. 1018), the Commission adopted Form 2, Hours of Service Report; Form 3, Carrier's Monthly Report of Excess Hours, as required by the said § 191.5; and Form 4, Report on Driving Hours (Rule 6 (b), Part 5) as required by said § 191.6, and prescribed the use thereof by motor carriers in complying with the said rules; and

It further appearing, that there is a need for modifying the form of, and the method of filing such reports and also a need for requiring each Class I motor carrier to file a report covering each calendar month during which no driver exceeds the on-duty time or driving time, respectively, permitted by § 191.3 (a) and (b), thereby necessitating the use of new forms and requiring appropriate revision of the said §§ 191.5 and 191.6

It is ordered, That the said order of February 8, 1939, in so far as it applies to the use of the said Form 2, Form 3, and Form 4 be, and it hereby is, vacated as of the effective date of this order;

And it is further ordered, That forms BMC-55, Carrier's Monthly Report of Excess Driving Time and of Excess Time on Duty of Drivers; BMC-56, Hours of Service Report; BMC-57, Carrier's Monthly Report of No Excess Driving Time and No Excess On-Duty Time by Drivers; and BMC-58, Report on Driving Hours (Rule 6 (b), Part 5), of which one copy each is attached hereto and made a part hereof,¹ are approved, adopted, and prescribed for appropriate use by motor carriers in filing reports as required by § 191.5 (Rule 5 (b), Part 5) and § 191.6 (Rule 6 (b), Part 5) as hereinafter amended.

Section 191.5 (b) (Rule 5 (b) of Part 5 of the Motor Carrier Safety Regulations, Revised) is hereby amended to read:

§ 191.5 Driver's log; monthly reports; forms prescribed; exceptions.

¹ Filed as part of the original document.

(b) Every motor carrier, other than a private carrier of property, shall file on Form BMC-55 a monthly report of every instance during the calendar month covered thereby in which a driver in his or its employ has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by § 191.3 (Rule 3, Part 5 of the Motor Carrier Safety Regulations, Revised), and shall indicate therein the reasons for such excess hours.

Form BMC-56 shall be used in certifying to the correctness of information in attached reports on Form BMC-55 and in transmitting such reports for filing.

Every Class I motor carrier, as defined in the Commission's orders of November 29, 1937, prescribing Uniform Systems of Accounts for such carriers, shall file on Form BMC-57 a report for every calendar month in which no driver in his or its employ has been required or permitted to be on duty, or to drive or operate a motor vehicle in excess of the hours prescribed by the said Rule 3.

Forms BMC-55, BMC-56, and BMC-57 shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and the original and one copy thereof shall be filed by mailing or otherwise with the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which his or its principal place of business is located not later than the fifteenth day of the month next following the calendar month for which such report is made. One copy of each such report shall be retained in the files of the motor carrier for a period of three years.

Section 191.6 (b) (Rule 6 (b) of Part 5 of the Motor Carrier Safety Regulations, Revised) is hereby amended to read:

§ 191.6 Driver may complete run in case of emergency.

(b) Every motor carrier other than a private carrier of property, shall file on Form BMC-58 a report of every instance in which a driver in his or its employ has driven, or has been required or permitted to drive in excess of 10 hours under the provisions of (a). The report shall be prepared in triplicate, shall be signed by the motor carrier or his or its agent, and shall contain a full and correct statement of the conditions which necessitated the longer period of driving. The original and one copy thereof shall be filed by mailing or otherwise with the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which his or its principal place of business is located, within 48 hours of the completion of such excess driving time.

NOTE: Motor carriers shall provide their own supplies of the forms referred to in §§ 191.5 and 191.6 (Rules 5 (b) and 6 (b) of Part 5 of the Motor Carrier Safety Regulations, Revised). The forms may be reproduced by typing, mimeographing, or printing provided that such reproduction of Forms BMC-56, BMC-57, and BMC-58 shall be on paper approximately 8½ x 11 inches. Form BMC-55 may be similarly reproduced pro-

vided paper approximately 8½ x 13 inches is used. Forms BMC-56 and BMC-57 may be reproduced on one sheet of paper by placing one form on each side thereof.

It is further ordered, That this order shall be effective January 1, 1945, and shall continue in effect until the further order of the Commission; and

It is further ordered, That a copy of this order be served upon all the parties of record herein, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942 (60-R216).

(Sec. 204, 49 Stat. 546, 54 Stat. 921, 56 Stat. 176; 49 U. S. C. 304)

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-15276; Filed, Oct. 3, 1944;
10:26 a. m.]

Notices

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 539]

RECONSIGNMENT OF CARROTS AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reassignment at Kansas City, Missouri, September 23, 1944, by H. Fienerman of car PFE 52423, carrots, now on the Union Pacific Railroad to H. Fienerman, Chicago, Illinois, via Alton.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15277; Filed, Oct. 3, 1944;
10:26 a. m.]

[S. O. 70-A, Special Permit 540]

RECONSIGNMENT OF PRUNES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 28, 1944, by Auster Company of car PFE 91170, prunes, now on the Wabash Railroad to Ben Schwartz, Detroit, Michigan, via P. M.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15278; Filed, Oct. 3, 1944;
10:26 a. m.]

[S. O. 70-A, Special Permit 541]

RECONSIGNMENT OF POTATOES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, September 28, 1944, by Bacon Brothers, of car PFE 90938, potatoes, now on the Great Northern Railroad, to Bacon Brothers, Altoona, Wisconsin, via C&NW.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15279; Filed, Oct. 3, 1944;
10:26 a. m.]

[S. O. 70-A, Special Permit 542]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 28, 1944, by Bacon Brothers, of car FGE 18663, potatoes, now on the C&NW (Wood Street Terminal) to Bredehoff & Ball, Danville, Illinois, via C&EI.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15280; Filed, Oct. 3, 1944;
10:26 a. m.]

[S. O. 70-A, Special Permit 543]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 28, 1944, by Bacon Brothers of car URT 5602, potatoes, now on the Wood Street Terminal, to Kaminski Brothers, South Bend, Indiana (Gr. Tr.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15281; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 544]

RECONSIGNMENT OF POTATOES AT OMAHA, NEBR.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Omaha, Nebraska, September 28, 1944, by National Produce Company of car MDT 41137, potatoes, now on the Union Pacific Railroad, to A. Macheca Company, St. Louis, Missouri (Wabash).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15282; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 545]

RECONSIGNMENT OF POTATOES AT GRAND FORKS, N. DAK.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Grand Forks, North Dakota, September 28, 1944, by Michael Swanson Brady Produce Company, of cars FGEK 21790, 25791, 34293, SFED 35756, potatoes, now on the Great Northern Railroad, to Page, North Dakota.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15283; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 546]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 28, 1944, by Bacon Brothers, of car WFE 63555, potatoes, now on the Wood Street Terminal, to Albers Super Market, Cincinnati, Ohio (B&O).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15284; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 547]

RECONSIGNMENT OF GRAPES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, September 28, 1944, by E. E. Fadler Company of car PFE 74976, grapes, now on the C. R. I. & P. Railroad, to Scranton, Pennsylvania.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15285; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 548]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 29, 1944, by Bacon Brothers of car FGE 21334, potatoes, now on the Wood Street Terminal, to Western Grocery Company, Cedar Rapids, Iowa (C&NW).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15286; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 549]

RECONSIGNMENT OF PEARS AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, September 29, 1944, by D. L. Piazza Company, of car IC 62596, pears, now on the M. & St. L. Railroad, to Aberdeen, South Dakota.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15287; Filed, Oct. 3, 1944;
10:27 a. m.]

[S. O. 70-A, Special Permit 550]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 29, 1944, by Bacon Brothers, of car WFE 63791, potatoes, now on the Wood Street Terminal, to Albert Miller and Company, Harrisburg, Illinois (NYC).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15283; Filed, Oct. 3, 1944;
10:28 a. m.]

[S. O. 70-A, Special Permit 551]

RECONSIGNMENT OF POTATOES AT ALBERT LEA, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Albert Lea, Minnesota, September 29, 1944, by Edw. H. Anderson and Company of car ART 22293, potatoes, now on the Minneapolis & St. Louis Railroad, to Edw. H. Anderson and Company, Chicago, Illinois.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 29th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15283; Filed, Oct. 3, 1944;
10:23 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Order 60 Under A-2]

EVER-READY APPLIANCE MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes adjusted maximum prices for sales and deliveries of a Single Galvanized Drain Tub manufactured by Ever-Ready Appliance Mfg. Company, 5727 West Park, St. Louis, Missouri.

(1) For all sales and deliveries by the manufacturer to retailers of the Single Galvanized Drain Tub the maximum price is \$2.90 each, f. o. b. factory.

(2) For all sales and deliveries by the retailer or by the manufacturer to the user the maximum price of the Single Galvanized Drain Tub is \$4.85 each.

(b) At the time of or prior to the first invoice to each purchaser, The Ever-Ready Appliance Mfg. Company shall notify the purchaser for resale of the maximum prices and conditions set by this order for resale by the purchaser. This notice may be given in any convenient form.

This order shall become effective on the 4th day of October 1944.

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15312; Filed, Oct. 3, 1944;
11:35 a. m.]

[MPR 120, Order 1040]

SIMON MAGURAN, ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 7. The mine index number and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the District in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton

f. o. b. the mine or preparation plant and when stated to be for rail shipment or for locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those

established for rail shipment and are in cents per net ton, f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.218 and all other provisions of Maximum Price Regulation No. 120.

SIMON MAGURAN, BOX 194 WAR, W. VA., SIMONS No. 2 MINE, WAR CREEK SEAM, MINE INDEX No. 1021, McDOWELL COUNTY, W. VA., SUBDISTRICT 4, RAIL SHIPPING POINT, WARRIOR, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	D	D	D	E	E	E	D	H	H	H
Rail shipment.....	380	390	380	335	300	355	320	300	295	290
Truck shipment.....	465	385	415	350	335	330				

Railroad locomotive fuel: Size group No.
Any single-screened lump and double screened coals..... 365
Run of mine..... 350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0..... 335
Screenings 1 1/4" x 0 and smaller..... 310

HOWARD SHANKS, NORTHOVER, W. VA., SHANKS No. 1 MINE, POCAHONTAS No. 3 SEAM, MINE INDEX No. 601, McDOWELL COUNTY, W. VA., SUBDISTRICT 3, RAIL SHIPPING POINT, VIVIAN, W. VA., DEEP MINE

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Price classification.....	B	B	A	A	A	B	B	D	D	D
Rail shipment.....	395	405	410	355	345	380	*350	310	305	300
Truck shipment.....	465	385	*415	*350	335	*330				

Railroad locomotive fuel: Size group No.
Any single-screened lump and double screened coals..... 365
Run of mine..... 350
Screenings larger than 1 1/4" x 0 but not exceeding 2 1/2" x 0..... 335
Screenings 1 1/4" x 0 and smaller..... 310

*Previously established.

LILLY EAGLE COAL CO., 221 EDGEWOOD DRIVE, BECKLEY, W. VA., MAYNOR MINE, EAGLE SEAM, MINE INDEX No. 1031, RALEIGH COUNTY, W. VA., SUBDISTRICT 2, RAIL SHIPPING POINT, CHITTSVILLE, W. VA.

	Size group Nos.																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Price classification.....	L	L	L	L	F	F	E	E	C	E	B	B	B	O	O	O	O	O	O	O	O
Rail shipment.....	355	355	350	350	360	345	315	310	305	375	310	310	310	295	305	305	305	305	305	305	305
Truck shipment.....	425	360	390	300	275	270															

Railroad locomotive fuel: Size group No.
Any single-screened lump and double screened coals..... 315
Run of mine..... 300
Resultant run of mine larger than 2 1/4" x 0 but not exceeding 6" x 0..... 250
Screenings 2 1/4" x 0 and smaller..... 275

This order shall become effective October 4, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15313; Filed, Oct. 3, 1944;
11:36 a. m.]

[MPR 120, Order 1041]

A. & B. COAL CO., ET AL

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No.

2. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton F. O. B. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton F. O. B. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton F. O. B. river shipping point. However, producer is subject to the provisions of § 1340.213 and all other provisions of Maximum Price Regulation No. 120.

A. & B. COAL CO., BOX 623, SMITHTON, PA., BURKEY MINE, REDSTONE SEAM, MINE INDEX No. 4201, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, SMITHTON, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 5, MAXIMUM TRUCK PRICE GROUP No. 8

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	G	G	G	G	G	-----	-----
Rail shipment.....	285	285	275	275	275	265	245	245	235	-----	-----
Railroad fuel.....	285	285	280	280	280	265	245	245	235	-----	-----
Truck shipment.....	415	415	415	395	385	355	335	335	335	235	235

GEORGE BULEZO, MASONTOWN, PA., BULEZO MINE, PITTSBURGH SEAM, MINE INDEX No. 4109, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, CRYSTAL SIDING, PA., AND OUTCROP (RICH HILL SIDING) PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 7, MAXIMUM TRUCK PRICE GROUP No. 7

Price classification.....	F	F	E	E	E	E	E	E	E	-----	-----
Rail shipment.....	310	310	305	305	305	295	275	275	260	-----	-----
Railroad fuel.....	310	310	305	305	305	295	275	275	260	-----	-----
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	255

SUKOSKY & ZACHREL, R. D. No. 1 SAXONBURG, PA., BRYAN MINE, UPPER FREEPORT SEAM, MINE INDEX No. 4189, ALLEGHENY COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT, CULMERVILLE, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 9, MAXIMUM TRUCK PRICE GROUP No. 5

Price classification.....	E	E	D	D	D	D	D	D	D	-----	-----
Rail shipment.....	335	335	325	325	325	315	295	295	270	-----	-----
Railroad fuel.....	335	335	325	325	325	315	295	295	270	-----	-----
Truck shipment.....	425	425	425	390	360	360	360	325	235	235	270

SYCAMORE COAL & COKE CO., c/o FRANK J. SHOLTIS, FAIRCHANCE, PA., HLATKI MINE, REDSTONE SEAM, MINE INDEX No. 4197, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT, SHOAF, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP No. 7

Price classification.....	G	G	G	G	G	G	G	G	G	-----	-----
Rail shipment.....	285	285	275	275	275	265	245	245	235	-----	-----
Railroad fuel.....	290	290	290	290	290	275	245	245	235	-----	-----
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	235

SYCAMORE COAL & COKE CO., c/o FRANK J. SHOLTIS, FAIRCHANCE, PA., HIGHHOUSE MINE, REDSTONE SEAM, MINE INDEX No. 4195, FAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT, SHOAF, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP No. 7

Price classification.....	G	G	G	G	G	G	G	G	G	-----	-----
Rail shipment.....	310	310	300	300	300	290	270	270	265	-----	-----
Railroad fuel.....	315	315	315	315	315	290	270	270	260	-----	-----
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	235

SYCAMORE COAL & COKE CO., c/o FRANK J. SHOLTIS, FAIRCHANCE, PA., HIGHHOUSE MINE, REDSTONE SEAM, MINE INDEX No. 4196, FAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT, SHOAF, PA., STRIP MINE, RAILROAD FUEL PRICE GROUP 2, MAXIMUM TRUCK PRICE GROUP No. 7

Price classification.....	G	G	G	G	G	G	G	G	G	-----	-----
Rail shipment.....	285	285	275	275	275	265	245	245	235	-----	-----
Railroad fuel.....	290	290	290	290	290	275	245	245	235	-----	-----
Truck shipment.....	415	415	415	385	375	375	375	310	290	290	235

TAYLORTOWN COAL CO., BOX 38 BOBTOWN, PA., TAYLORTOWN MINE, PITTSBURGH SEAM, MINE INDEX No. 4201, GREENE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT, POLAND AND DILLINGER, PA., DEEP MINE, RAILROAD FUEL PRICE GROUP 7, MAXIMUM TRUCK PRICE GROUP No. 11, RIVER SHIPPING POINT, MOFFIT MINE, PA.

Price classification.....	F	F	E	E	E	E	E	E	E	-----	-----
Rail and river shipment.....	310	310	305	305	305	295	275	275	260	-----	-----
Railroad fuel.....	310	310	305	305	305	295	275	275	265	-----	-----
Truck shipment.....	380	380	380	360	340	340	340	280	260	260	225

This order shall become effective October 4, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15314; Filed, Oct. 3, 1944;
11:35 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division

of the Federal Register on September 29, 1944.

REGION II

District of Columbia Order 2-F, Amendment 2, covering fresh fruit and vegetables in certain portions of Virginia and District of Columbia, filed 9:32 a. m.

Williamsport Order 2-F, Amendment 3, covering fresh fruit and vegetables in designated areas in Pennsylvania, filed 9:34 a. m.

REGION III

Cleveland Revised Order F-1, Amendment 5, covering fresh fruit and vegetables in certain areas in the Cleveland district, filed 9:43 a. m.

Cleveland Revised Order F-3, Amendment 5, covering fresh fruit and vegetables in the Cleveland district, filed 9:42 a. m.

Cleveland Revised Order F-4, Amendment 5, covering fresh fruit and vegetables in certain areas in the Cleveland district, filed 9:42 a. m.

Escanaba Order 9-F, Amendment 23, covering fresh fruit and vegetables in specified areas in Michigan, filed 9:31 a. m.

Escanaba Order 10-F, Amendment 23, covering fresh fruit and vegetables in specified areas in Michigan, filed 9:31 a. m.

Escanaba Order 11-F, Amendment 23, covering fresh fruit and vegetables in Escanaba, Gladstone, and Delta Counties, Mich., filed 9:31 a. m.

Escanaba Order 12-F, Amendment 23, covering fresh fruit and vegetables in designated areas, filed 9:30 a. m.

Escanaba Order 13-F, Amendment 23, covering fresh fruit and vegetables in designated areas in Michigan, filed 9:30 a. m.

Escanaba Order 14-F, Amendment 23, covering fresh fruit and vegetables in designated areas in Michigan and Wisconsin, filed 9:30 a. m.

Escanaba Order 15-F, Amendment 23, covering fresh fruit and vegetables in designated areas in Michigan and Wisconsin, filed 9:30 a. m.

Escanaba Order 16-F, Amendment 23, covering fresh fruit and vegetables in Michigan, the City of Saulte Ste. Marie, Chippewa County, filed 9:30 a. m.

Escanaba Order 17-F, Amendment 27, covering fresh fruit and vegetables in designated areas in Michigan, filed 9:30 a. m.

REGION IV

Birmingham Order 2-F, Amendment 8, covering fresh fruit and vegetables in specified counties in the Birmingham district, filed 9:31 a. m.

Charlotte Order 2-F, Amendment 11, covering fresh fruit and vegetables in designated counties in North Carolina, filed 9:40 a. m.

Jacksonville Order 7-F, Amendment 20, covering fresh fruit and vegetables in named cities and towns in Florida, filed 9:41 a. m.

REGION V

Arkansas Order 2-F, Amendment 25, covering fresh fruit and vegetables in Pulaski County, Ark., filed 9:29 a. m.

Arkansas Order 4-F, Amendment 23, covering fresh fruit and vegetables in Miller County, Ark., filed 9:29 a. m.

Arkansas Order 5-F, Amendment 23, covering fresh fruit and vegetables in Garland County, Ark., filed 9:28 a. m.

Arkansas Order 6-F, Amendment 23, covering fresh fruit and vegetables in Sebastian and Crawford Counties, Ark., filed 9:23 a. m.

Dallas Order 1-E, covering eggs in designated counties in Texas, filed 9:27 a. m.

Dallas Order 2-E, covering eggs in designated counties in Texas, filed 9:27 a. m.

Houston Order 1-F, Amendment 25, covering fresh fruit and vegetables in designated counties in Texas, filed 9:41 a. m.

Houston Order 3-F, Amendment 13, covering fresh fruit and vegetables in designated counties in Texas, filed 9:41 a. m.

New Orleans Order 1-W, Amendment 3, covering community food prices in certain parishes in Louisiana, filed 9:40 a. m.

New Orleans Order 2-W, Amendment 3, covering community food prices in certain parishes in Louisiana, filed 9:40 a. m.

New Orleans Order G-31, Amendment 6, covering community food prices in the New Orleans area, Louisiana, filed 9:38 a. m.

New Orleans Order G-21, Amendment 7, covering community food prices in the New Orleans area, Louisiana, filed 9:36 a. m.

New Orleans Order G-22, Amendment 4, covering community food prices in the New Orleans area, Louisiana, filed 9:36 a. m.

New Orleans Order G-22, Amendment 6, covering community food prices in the New Orleans area, Louisiana, filed 9:35 a. m.

New Orleans Order G-24, Amendment 7, covering community food prices in certain parishes in Louisiana, filed 9:35 a. m.

New Orleans Order G-23, Amendment 8, covering community food prices in certain parishes in Louisiana, filed 9:36 a. m.

New Orleans Order G-24, Amendment 5, covering community food prices in certain parishes in Louisiana, filed 9:37 a. m.
 Shreveport Order 2-F, Amendment 31, covering fresh fruit and vegetables in certain areas in Louisiana, filed 9:39 a. m.
 Shreveport Order 3-F, Amendment 20, covering fresh fruit and vegetables in certain areas in Louisiana, filed 9:39 a. m.

REGION VI

Duluth-Superior Order 1-F, Amendment 34, covering fresh fruit and vegetables in Duluth, Proctor, City and Town of Superior, filed 9:41 a. m.

La Crosse Order 3-F, Amendment 30, covering fresh fruit and vegetables in Eau Claire and Chippewa Falls, Wis., filed 9:39 a. m.

La Crosse Order 5-F, Amendment 28, covering fresh fruit and vegetables in Rochester, Minn., filed 9:33 a. m.

La Crosse Order 5-F, Amendment 39, covering fresh fruit and vegetables in Rochester, Minn., filed 9:33 a. m.

Sioux City, Order 2-F, Amendment 34, covering fresh fruit and vegetables in Sioux City, Iowa and Sioux City, Nebr., filed 9:29 a. m.

REGION VIII

Portland Order 3-F, covering fresh fruit and vegetables in Portland, Oregon and Vancouver Washington and Vanport, Oreg., filed 9:34 a. m.

Phoenix Order 3-F, Amendment 37, covering fresh fruit and vegetables in a 25 mile radius of the post office of Phoenix, filed 9:37 a. m.

Phoenix Order 3-F, Amendment 38, covering fresh fruit and vegetables in a 25 mile radius of the post office of Phoenix, filed 9:38 a. m.

San Francisco Order F-5, Amendment 23, covering fresh fruit and vegetables in named cities in California, filed 9:37 a. m.

San Francisco Order G-6, Amendment 19, covering fresh fruit and vegetables in named cities in California, filed 9:37 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-15179; Filed, Sept. 30, 1944;
4:27 p. m.]

SURPLUS WAR PROPERTY ADMINISTRATION.

[Regulation 5]

ALUMINUM SCRAP

ESTABLISHMENT OF PRICES AND PROVISIONS FOR STORAGE AND HANDLING

The purpose of this regulation is to establish prices below which various grades of aluminum scrap will not be sold, and to provide for the storage and handling of aluminum scrap so withheld from sale.

This regulation applies to (1) aluminum scrap which is available for sale in this country and which is owned by the War Department or the Navy Department (including aluminum scrap held under cost-plus-fixed-fee contracts), and contractor-owned aluminum scrap which constitutes termination inventory under terminated prime contracts with the War Department or the Navy Department, or subcontracts under such prime contracts, and (2) aluminum scrap held by Recon-

struction Finance Corporation (or any of its subsidiaries) as a disposal agency, or by any other government agency which may be designated as a disposal agency for aluminum scrap under applicable law or regulations.

Whenever aluminum scrap is referred to in this regulation it means the aluminum scrap described in the preceding sentence. Because of the small quantities involved, this regulation does not cover any aluminum scrap held by or under the control of any other government agency.

When the statement of policies to be followed by Government agencies in the sale of contract termination inventories was issued under date of April 21, 1944 (9 F.R. 4559), it was recognized that subsequent regulations might have to be issued to provide a mechanism for stopping of sales in any area where prices dropped to unsatisfactory levels (Part IV B (2) (e)). Such is the condition of the scrap aluminum market today.

It has now become apparent that the amount of aluminum scrap arising from current production is already in excess of the capacity of the industry to absorb in an orderly fashion. This situation is becoming increasingly aggravated by the very large quantities of aluminum scrap arising from contract terminations. The result is that prices for aluminum scrap have already been depressed below any reasonable or intrinsic value. The basic purpose of this regulation is therefore to prevent a complete demoralization of the market, which would bring with it the danger that the property will fall into the hands of speculators, and result in an inadequate return to the government.

The situation appears to be so critical that this Administration has determined to issue the present regulation at this time, without waiting for the appointment and qualification of the new Surplus Property Board under the legislation that has passed both houses of Congress (H.R. 5125).

It will be noted that the regulation applies only to aluminum scrap which is available for sale. If, in accordance with section 22 of the above-mentioned legislation, the Army and Navy Munitions Board should determine to add all or any part of the supply of aluminum scrap to the statutory stock pile of strategic minerals and metals, such scrap would be outside the scope of this regulation.

Effectiveness. This regulation is effective immediately.

Pricing and storage policy—1. Minimum prices. Unless the prices set forth below, or better, can be obtained for the various grades of aluminum scrap, f. o. b. shipping point, the material shall be forwarded to a storage location, as specified in paragraph 3 below.

	Cents per pound
(a) All segregated solids.....	6
(b) All mixed solids.....	5
(c) Any scrap solids mixed with foreign materials.....	4
(d) Obsolete aircraft to be scrapped; sub-assemblies completed or partially completed to be scrapped.....	2½
(e) Wrecked aircraft.....	1½

2. Exemptions.—(a) Small lots. Where the tonnage of aluminum scrap available for disposal at any one place is estimated to be 10,000 lbs. or less, such small lots are exempted from this regulation and shall be disposed of in accordance with existing regulations.

(b) Termination claims of less than \$10,000. In the case of termination inventory, where the entire termination claim of the contractor or subcontractor in question, before disposal credits, is less than \$10,000, aluminum scrap is exempt from this regulation and shall be disposed of in accordance with existing regulations.

(c) Borings and turnings. Aluminum borings and turnings, regardless of quantity, are exempted from this regulation at this time (since the necessary arrangements have not yet been made for the delivery of such material to smelters for conversion into ingots) and shall be disposed of in accordance with existing regulations.

3. Storage locations. Aluminum scrap which is not sold because of inability to obtain the minimum prices specified in paragraph 1 above shall be delivered to the nearest storage location, to be operated by or under the direction of Metals Reserve Company, designated on lists to be furnished to the War Department and the Navy Department by Metals Reserve Company. Such designations may be revised from time to time by Metals Reserve Company. The War Department and the Navy Department may until October 15, 1944, continue to sell, or to authorize the sale of, aluminum scrap under existing regulations in any particular case where there is no designated storage location within a reasonable distance which is prepared to receive the shipment.

4. Sale of aluminum scrap from storage location. Aluminum scrap which has been delivered to storage locations as provided in paragraph 3, above, will not be sold at any price until the issuance of further instructions or regulations on the subject.

Dated: Washington, D. C., October 2, 1944.

W. L. CLAYTON,
Administrator.

[F. R. Doc. 44-15275; Filed, Oct. 2, 1944;
4:34 p. m.]

WAR MANPOWER COMMISSION.

MARLBORO, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for (Marlboro) is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 10, 1943 (8 F. R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.

Sec.

5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Seniority.
20. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Marlboro Area, with the approval of the Regional Director. The purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

Sec. 2. Definition. As used in this employment stabilization program:

- (a) "The Marlboro area" is comprised of the territory designated in Appendix A.
- (b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (c) "State" includes Alaska, Hawaii, and the District of Columbia.
- (d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.
- (e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420).
- (f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Marlboro area, with the approval of the Regional Director, to be either:

(1) One of a category of occupations in any activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

Sec. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Marlboro area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

Sec. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Marlboro area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

Sec. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission shall encourage local initiative and co-operative efforts to the end that the maximum use shall be made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutes and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

Sec. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

- (a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

Sec. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or,

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Sec. 8. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as

such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for a period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment. Nothing in this section shall be construed to supersede the provisions of section 10 (d).

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the War effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized.

SEC. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (See Appendix B), or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks with-

out referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service promptly release from employment any worker hired in violation of this program.

SEC. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County, or Municipal Government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or Municipal Government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment Stabilization Program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any indi-

vidual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Seniority. The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 20. Effective date. This program shall become effective as of March 15, 1944, and is in substitution for and supercedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE MARLBORO AREA

The Marlboro Area is comprised of the territories included in the following towns in the Commonwealth of Massachusetts:

The City of: Marlboro.

The Towns of: Hudson, Southboro, Maynard, Sudbury, Northboro, Berlin, Stow, and Bolton.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Marlboro Area, with the approval of the Regional Director, as additional controlled occupations:

FORGING OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any occupation whatsoever in the forging of metals, except upon referral by the United States Employment Service. Included among such occupations are the following:

Die Setter.
Job Setter.
Blacksmith (all types).
Anglesmith.
Drop Hammer Operator (all types).
Heat Treater.
Case Hardener.
Temperer.
Furnace Tenders (all types).
Bending Roll Operators.
Roll Hand.
Shearers and Trimmers (all types).
Hammersmith.
Hot Bender.
Chain Maker.
Swager Operator.
Forgers (all types).
Forging Press Operators (all types).
Dishing Machine Operator.
Angle Press Operator.
Bulldozer Operator.
Headerman.
Die Upsetter.
Forging Upsetter.
Heaters (all types).
Helpers (all types).
Laborers (all types).

The exclusion of any forging occupation from the preceding list does not imply exemption of the occupation from the provision of this section.

MACHINE SHOP OCCUPATIONS

No employer shall hire any worker whose most recent experience has been in any machine shop occupation involving the operation of metal-working machinery or the assembly of finished parts except upon referral by the United States Employment Service. Included among such occupations are the following:

Machinist (all types).
Tool Maker.
Die Maker.
Tool, job, or Machine setter.
Machine Layout Man.
Die Layout Man.
Die Setter.
Die Finisher.
Jig and Fixture Man.
Profiling Machine Operator (all types).
Engine Lathe Operator (all types).
Turret Lathe Operator (all types).
Milling Machine Operator (all types).
Boring Mill Operator (all types).
Shaper Operator (all types).
Planer Operator (all types).
Gear Cutting and Shaping Machine Operator.
Grinder Operator (all types).
Broaching Machine Operator (all types).
Drill Operator (all types).
Tapping and Threading Machine Operator (all types).
Honing and Lapping Machine Operator (all types).
Screw Machine Operator (all types).
Assemblers.

The exclusion of any machine operating occupation from the preceding list does not imply the exemption of the occupation from the provisions of this section.

FOUNDRY OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any foundry occupation whatsoever, except upon referral by the United States Employment

Service. Included among such occupations are the following:

Coremaker (all types).
Sand-Control Man.
Cupola or Furnace Tender.
Furnace Operator (all types).
Flask Maker.
Core FASTER.
Core Setter.
Core Seamer.
Core Oven Tender.
Core Checker.
Mold Closer.
Patternmaker (foundry).
Casting Grinder.
Lay-out Man.
Molders (all types).
Molders Helpers (all types).
Sand Preparers and Miners (all types).
Inspectors (all types).
Mold Checker.
Annealer.
Roll Hand.
Chipper.
Pourer.
Sandblaster or Tumbler Operator.
Pyrometer Man.
Shake Out Man.
Foundry Laborers.

The exclusion of any foundry occupation from the preceding list does not imply exemption of the occupation from the provisions of this section.

LABOR-MANAGEMENT COMMITTEE FOR MARLBORO, MASSACHUSETTS

Francis X. Powers, Area Director, War Manpower Commission.
Francis Cain, Marlboro Shoe Workers Associates.
Barney Bondevitch, Textile Workers Union of America.
John A. Curtis, Sr., Curtis Shoe Company.
John Topham, Lapolate Machine Tool Company.

Dated: August 1, 1944.

FRANCIS X. POWERS,
Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15293; Filed, Oct. 3, 1944;
11:14 a. m.]

[Amdt. 1]

MARLBORO, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following amendment for the Marlboro Area program is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943, (8 F.R. 11338).

The employment stabilization program for the Marlboro area effective March 15, 1944, is hereby amended in the following respects:

1. Section 10 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section thereby making the present

second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Marlboro area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: August 4, 1944.

FRANCIS X. POWERS,
Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15294; Filed, Oct. 3, 1944;
11:14 a. m.]

WEBSTER-SOUTHBIDGE, MASS., AREA
EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Webster-Southbridge is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Seniority.
20. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Webster-Southbridge Area, with the approval of the Regional Director. The purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and man-

agement and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities,

(b) The reduction of unnecessary labor migration,

(c) The direction of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Webster-Southbridge Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420.)

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Worcester Area, with the approval of the Regional Director, to be either

(1) One of a category of occupations in any activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Webster-Southbridge Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Webster-Southbridge Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutes and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for a period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former em-

ployment. Nothing in this section shall be construed to supersede the provisions of section 10 (d).

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B), or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall upon written request of the United States Employment Service promptly release from employment any worker hired in violation of this program.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County, or Municipal Government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or Municipal Government or political subdivision or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sect, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

Sec. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this program.

Sec. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 19. Seniority. The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

Sec. 20. Effective date. This program shall become effective as of March 15, 1944, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: August 1, 1944.

FRANCIS X. POWERS,
Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE WEBSTER-SOUTHBRIDGE AREA

The Webster-Southbridge Area is comprised of the territories included in the following towns in the Commonwealth of Massachusetts:

Charlton, Douglas, Dudley, Oxford, Southbridge, Sturbridge, Sutton, and Webster.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Webster-Southbridge Area, with the approval of the Regional Director, as additional controlled occupations:

FORGING OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any occupation whatsoever in the forging of metals, except upon referral by the United States Employment Service. Included among such occupations are the following:

Die Setter.
Job Setter.
Blacksmith (all types).
Anglemith.
Drop Hammer Operator (all types).
Heat Treater.
Case Hardener.
Temperer.
Furnace Tenders (all types).
Bending Roll Operators.
Roll Hand.

Shearers and Trimmers (all types).
 Hammersmith.
 Hot Bender.
 Chain Maker.
 Swager Operator.
 Forgers (all types).
 Forging Press Operators (all types).
 Dishing Machine Operator.
 Angle Press Operator.
 Bulldozer Operator.
 Headerman.
 Die Upsetter.
 Forging Upsetter.
 Heaters (all types).
 Helpers (all types).
 Laborers (all types).

The exclusion of any forging occupation from the preceding list does not imply exemption of the occupation from the provisions of this section.

MACHINE SHOP OCCUPATIONS

No employer shall hire any worker whose most recent experience has been in any machine shop occupation involving the operation of metal-working machinery or the assembly of finished parts except upon referral by the United States Employment Service. Included among such occupations are the following:

Machinist (all types).
 Tool Maker.
 Die Maker.
 Tool, Job, or Machine Setter.
 Machine Layout Man.
 Die Layout Man.
 Die Setter.
 Die Finisher.
 Jig and Fixture Man.
 Profiling Machine Operator (all types).
 Engine Lathe Operator (all types).
 Turret Lathe Operator (all types).
 Milling Machine Operator (all types).
 Boring Mill Operator (all types).
 Shaper Operator (all types).
 Planer Operator (all types).
 Gear Cutting and Shaping Machine Operator.
 Grinder Operator (all types).
 Broaching Machine Operator (all types).
 Drill Operator (all types).
 Tapping and Threading Machine Operator (all types).
 Honing and Lapping Machine Operator (all types).
 Screw Machine Operator (all types).
 Assemblers.

The exclusion of any machine operating occupation from the preceding list does not imply the exemption of the occupation from the provisions of this section.

FOUNDRY OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any foundry occupation whatsoever, except upon referral by the United States Employment Service. Included among such occupations are the following:

Coremaker (all types).
 Sand-Control Man.
 Cupola or Furnace Tender.
 Furnace Operator (all types).
 Flask Maker.
 Core Paster.
 Core Setter.
 Core Seamer.
 Core Oven Tender.
 Core Checker.
 Mold Closer.
 Patternmaker (foundry).
 Casting Grinder.
 Lay-out Man.
 Molders (all types).
 Molders Helpers (all types).

Sand Preparers and Miners (all types).
 Inspectors (all types).
 Mold Checker.
 Annealer.
 Roll Hand.
 Chipper.
 Pourer.
 Sandblaster or Tumbler Operator.
 Pyrometer Man.
 Shake Out Man.
 Foundry Laborers.

The exclusion of any foundry occupation from the preceding list does not imply exemption of the occupation from the provisions of this section.

LABOR-MANAGEMENT COMMITTEE FOR WEBSTER-SOUTHBRIDGE, MASSACHUSETTS AREA

Arthur F. Smith, Ames Worsted Company.
 Samuel T. MacQuarrie, American Optical Company.
 Thomas M. Lonergan, Stevens Linen Associates.
 Richard Sears, Bates Shoe Company.
 William Dallman, C. I. O. Representative.
 Joseph Tomasek, C. I. O. Textile Workers.
 Edgar J. Caron, A. F. of L. Carpenter's Union.
 Medric Morgan, A. F. of L. Federal Labor Union.

[F.R. Doc. 44-15297; Filed, Oct. 3, 1944; 11:12 a. m.]

[Amdt. 1]

WEBSTER-SOUTHBRIDGE, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following amendment for the Webster-Southbridge Area program is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

The employment stabilization program for the Webster-Southbridge Area effective March 15, 1944, is hereby amended in the following respects:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Webster-Southbridge Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

ing or allowance currently applicable to it.

Dated: August 4, 1944.

FRANCIS X. POWERS,
 Area Director.

ARTHUR C. GERNES,
 Regional Director.

[F. R. Doc. 44-15298; Filed, Oct. 3, 1944; 11:13 a. m.]

WORCESTER, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Worcester is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of management-labor committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Seniority.
20. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Worcester area, with the approval of the Regional Director. The purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program.

(d) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

(a) The "Worcester area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvest-

ing of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the chairman of the War Manpower Commission. (See War Manpower list of critical occupations, 8 F.R. 11420).

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Worcester Area, with the approval of the Regional Director, to be either:

(1) One of a category of occupations in any activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the additional controlled occupations designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(h) Locally needed activity means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Worcester Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibilities of management-labor committee. The Area Management-Labor War Manpower Committee for the Worcester Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutes and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or,

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such a statement,

the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for a period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment. Nothing in this section shall be construed to supersede the provisions of section 10 (d).

A temporary statement of availability shall contain, in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the War effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized.

SEC. 10. Workers who may be hired only upon referral by the United States

Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B), or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

SEC. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County, or Municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or Municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Seniority. The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under

an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 20. Effective date. This program shall become effective as of March 18, 1944, and is in substitution for an supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE WORCESTER AREA

DESIGNATION OF THE WORCESTER AREA

The Worcester Area is comprised of the territories included in the following cities and towns in the Commonwealth of Massachusetts:

The cities of: Worcester.

The towns of: Auburn, Boylston, Brookfield, East Brookfield, Grafton, Holden, Leicester, Millbury, New Braintree, North Brookfield, Oakham, Paxton, Rutland, Shrewsbury, Spencer, Westboro, West Boylston, and West Brookfield.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Worcester Area, with the approval of the Regional Director, as additional controlled occupations:

FORGING OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any occupation whatsoever in the forging of metals, except upon referral by the United States Employment Service. Included among such occupations are the following:

Die Setter.
Job Setter.
Blacksmith (all types).
Anglesmith.
Drop Hammer Operator (all types).
Heat Treater.
Case Hardener.
Temperer.
Furnace Tenders (all types).
Bending Roll Operators.
Roll Hand.
Shearers and Trimmers (all types).
Hammersmith.
Hot Bender.
Chain Maker.
Swager Operator.
Forgers (all types).
Forging Press Operators (all types).
Dishing Machine Operator.
Angle Press Operator.
Bulldozer Operator.
Headerman.
Die Upsetter.
Forging Upsetter.
Heaters (all types).
Helpers (all types).
Laborers (all types).

The exclusion of any forging occupation from the preceding list does not imply exemption of the occupation from the provision of this section.

MACHINE SHOP OCCUPATIONS

No employer shall hire any worker whose most recent experience has been in any machine shop occupation involving the operation of metalworking machinery or the assembly of finished parts except upon referral by the United States Employment Service. Included among such occupations are the following:

Machinist (all types).
 Tool Maker.
 Die Maker.
 Tool, job, or Machine setter.
 Machine Layout Man.
 Die Layout Man.
 Die Setter.
 Die Finisher.
 Jig and Fixture Man.
 Profiling Machine Operator (all types).
 Engine Lathe Operator (all types).
 Turret Lathe Operator (all types).
 Milling Machine operator (all types).
 Boring Mill Operator (all types).
 Shaper Operator (all types).
 Planer Operator (all types).
 Gear Cutting and Shaping Machine Operator.
 Grinder Operator (all types).
 Broaching Machine Operator (all types).
 Drill operator (all types).
 Tapping and Threading Machine Operator (all types).
 Honing and Lapping Machine Operator (all types).
 Screw Machine Operator (all types).
 Assemblers.

The exclusion of any machine operating occupation from the preceding list does not imply the exemption of the occupation from the provisions of this section.

FOUNDRY OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any foundry occupation whatsoever, except upon referral by the United States Employment Service. Included among such occupations are the following:

Coremaker (all types).
 Sand-Control Man.
 Cupola or Furnace Tender.
 Furnace Operator (all types).
 Flask Maker.
 Core Paster.
 Core Setter.
 Core Seamer.
 Core Oven Tender.
 Core Checker.
 Mold Closer.
 Patternmaker (foundry).
 Casting Grinder.
 Lay-out Man.
 Molders (all types).
 Molders' Helpers (all types).
 Sand Preparers and Miners (all types).
 Inspectors (all types).
 Mold Checker.
 Annealer.
 Roll Hand.
 Chipper.
 Pourer.
 Sandblaster or Tumbler Operator.
 Pyrometer Man.
 Shake Out Man.
 Foundry Laborers.

The exclusion of any foundry occupation from the preceding list does not imply exemption of the occupation from the provisions of this section.

LABOR-MANAGEMENT COMMITTEE FOR WORCESTER, MASSACHUSETTS, AREA

Edwin G. Bagley, White & Bagley Company.
 Philip M. Morgan, Morgan Construction Company.
 Alfred Rankin, U. S. Envelope Company.
 Howard Whitney, Worcester St. Railway Company.
 Felix Damore, C. I. O. Organizer.
 William Lemay, A. F. of L. Carpenter's Union.
 Daniel Murray, C. I. O. Steel Workers, Organizing Committee.

No. 198—5

Leonard A. Ryan, A. F. of L. Truck Driver's Union.

Dated: August 1, 1944.

FRANCIS X. POWERS,
 Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
 Regional Director.

[F. R. Doc. 44-15295; Filed, Oct. 3, 1944;
 11:12 a. m.]

[Amdt. 1]

WORCESTER, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following amendment for the Worcester Area program is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

The employment stabilization program for the Worcester Area effective March 15, 1944, is hereby amended in the following respects:

1. Section 10 of said program is hereby amended by adding the following subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Worcester Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: August 4, 1944.

FRANCIS X. POWERS,
 Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
 Regional Director.

[F. R. Doc. 44-15296; Filed, Oct. 3, 1944;
 11:12 a. m.]

FRAMINGHAM, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Framingham is hereby

prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Seniority.
20. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Framingham Area, with the approval of the Regional Director. The purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities,

(b) The reduction of unnecessary labor migration,

(c) The direction of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

(a) The "Framingham area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental

to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420).

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Framingham Area, with the approval of the Regional Director, to be either:

(1) One of a category of occupations in any activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix "B" and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439.)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Framingham Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Framingham Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels such as private employers, labor organizations, professional organizations, schools, colleges, technical institutes and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal Law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his

former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for a period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment. Nothing in this section shall be construed to supersede the provisions of section 10 (d).

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized.

SEC. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupa-

tion (see Appendix B), or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

SEC. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County, or Municipal Government, or their political subdivision of their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, County, or Municipal Government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extend practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment Stabilization Program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a

statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Seniority. The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 20. Effective date. This program shall become effective as of March 15, 1944, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless

sooner terminated by the War Manpower Commission.

Dated: August 1, 1944.

FRANCIS X. POWERS,
Area Director.

Approved: September 25, 1944.

ARTHUR C. GENNES,
Regional Director.

APPENDIX A—DESIGNATION OF THE FRAMINGHAM AREA

The Framingham Area is comprised of the territories included in the following towns in the Commonwealth of Massachusetts: Achland, Framingham, Holliston, Hopkinton, Natick, and Sherborn.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Framingham Area, with the approval of the Regional Director, as additional controlled occupations:

FORGING OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any occupation whatsoever in the forging of metals, except upon referral by the United States Employment Service. Included among such occupations are the following:

Die Setter.
Job Setter.
Blacksmith (all types).
Angle Smith.
Drop Hammer Operator (all types).
Heat Treater.
Case Hardener.
Temperer.
Furnace Tenders (all types).
Bending Roll Operators.
Roll Hand.
Shearers and Trimmers (all types).
Hammer Smith.
Hot Bender.
Chain Maker.
Swagger Operator.
Forgers (all types).
Forging Press Operators (all types).
Dishing Machine Operator.
Angle Press Operator.
Bulldozer Operator.
Headerman.
Die Upsetter.
Forging Upsetter.
Heaters (all types).
Helpers (all types).
Laborers (all types).

The exclusion of any forging occupation from the preceding list does not imply exemption of the occupation from the provision of this section.

MACHINE SHOP OCCUPATIONS

No employer shall hire any worker whose most recent experience has been in any machine shop occupation involving the operation of metal-working machinery or the assembly of finished parts except upon referral by the United States Employment Service. Included among such occupations are the following:

Machinist (all types).
Tool Maker.
Die Maker.
Tool, job, or Machine setter.
Machine Layout Man.
Die Layout Man.
Die Setter.
Die Finisher.
Jig and Fixture Man.
Profiling Machine Operator (all types).
Engine Lathe Operator (all types).
Turret Lathe Operator (all types).

Milling Machine Operator (all types).
 Boring Mill Operator (all types).
 Shaper Operator (all types).
 Planer Operator (all types).
 Gear Cutting and Shaping Machine Operator.
 Grinder Operator (all types).
 Broaching Machine Operator (all types).
 Drill Operator (all types).
 Tapping and Threading Machine Operator (all types).
 Honing and Lapping Machine Operator (all types).
 Screw Machine Operator (all types).
 Assemblers.

The exclusion of any machine operating occupation from the preceding list does not imply the exemption of the occupation from the provisions of this section.

FOUNDRY OCCUPATIONS

No employer shall hire any worker whose most recent employment has been in any foundry occupation whatsoever, except upon referral by the United States Employment Service. Included among such occupations are the following:

Coremaker (all types).
 Sand-Control Man.
 Cupola or Furnace Tender.
 Furnace Operator (all types).
 Flask Maker.
 Core Paster.
 Core Setter.
 Core Seamer.
 Core Oven Tender.
 Core Checker.
 Mold Closer.
 Patternmaker (foundry).
 Casting Grinder.
 Lay-out Man.
 Molders (all types).
 Molders Helpers (all types).
 Sand Preparers and Miners (all types).
 Inspectors (all types).
 Mold Checker.
 Annealer.
 Roll Hand.
 Chipper.
 Pourer.
 Sandblaster or Tumbler Operator.
 Pyrometer Man.
 Shake Out Man.
 Foundry Laborers.

The exclusion of any foundry occupation from the preceding list does not imply exemption of the occupation from the provisions of this section.

LABOR-MANAGEMENT COMMITTEE FOR FRAMINGHAM, MASSACHUSETTS AREA

Judah H. Humphreys, Dennison Manufacturing Company.
 Eugene J. Cartwright, Hodgman Rubber Company.
 A. G. Moineau, B. W. & N. Y. St. Railway Co.
 Kenneth L. Martineau, Warren Telechron Company.
 Philip W. Morse, President, C. I. O. Rubber Workers.
 Arthur L. Hathorne, C. I. O.
 Arthur H. Green, A. F. of L. Painters Local.
 Elmer W. Bell, A. F. of L. Carpenters.

[F. R. Doc. 44-15291; Filed, Oct. 3, 1944; 11:14 a. m.]

[Amdt. 1]

FRAMINGHAM, MASS., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following amendment for the Framingham Area program is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation

No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

The employment stabilization program for the Framingham Area effective March 15, 1944, is hereby amended in the following respects:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Framingham Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: August 4, 1944.

FRANCIS X. POWERS,
 Area Director.

Approved: September 25, 1944.

ARTHUR C. GERNES,
 Regional Director.

[F. R. Doc. 44-15292; Filed, Oct. 3, 1944; 11:15 a. m.]

ERIE, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Erie Area, Area X, is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for Erie with the concurrence of the Area War Manpower Committee, pursuant to the authority granted by WMC Regulation 7 and the Employment Stabilization Plan for Region III adopted August 23, 1943, hereby establishes the following plan for the Area with respect to the stabilization of employment throughout the Area:

Sec.

1. Control of hiring and solicitation of workers.
2. Minimum standards.
3. Existing contracts.

Sec.

4. Advertising for employees.
5. Advance notice of lay-offs.
6. Limited statements of availability.
7. Request to remain on or return to a job.
8. Effective date.
9. Definitions—as used in this plan.

SECTION 1. *Control of hiring and solicitation of workers.* (a) All hiring and solicitation of workers in, or for work in, the Erie Area shall be conducted in accordance with the provisions of this Employment Stabilization Plan.

(b) Pursuant to options permitted under § 907.5 (a) of the War Manpower Commission Regulation No. 7, the Area Director after consultation with the Area Management-Labor Committee, shall establish an Area Manpower Priorities Committee for the purpose of making certain that the most vital war plants and services in the Erie War Manpower Commission Area have an adequate supply of labor, and of so allocating labor that all workers will most effectively contribute to the successful prosecution of the war. This allocation of the number of workers shall be made by the Area Manpower Priorities Committee in accordance with the provisions of the Erie Manpower Budget Plan.

SEC. 2. *Minimum standards—(a). General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to

apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in subsection B is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a full time worker in excess of employment ceilings or hiring quotas established by the Erie Manpower Priorities Committee under the Manpower Budget Plan effective May 1, 1944.

(f) *Exclusions.* No provision of the Employment Stabilization Plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment;

(2) The hiring of new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such

work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, State, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, State, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this Employment Stabilization Plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this Plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restriction under this Employment Stabilization Plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this Plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this Plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

Sec. 3. Existing contracts. Nothing in this Plan shall be construed to prejudice existing rights of employee under any agreement with his employer.

Sec. 4. Advertising for employees.—(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(c) Should state clearly that before employers hire employees possessing skills which appear on the List of Critical Occupations, clearance must be obtained from the United States Employment Service.

Sec. 5. Advance notice of lay-offs. Employers are required when possible to provide at least three days' advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement as to the number of employees to be laid off by occupation.

Sec. 6. Limited statements of availability. Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the Area Director, the best interests of the war effort will be served by such action: *Provided*, That such action is agreeable of both the employer and employees involved, and *provided further*, That such limited statements of availability shall not be issued for a period longer than three months.

Sec. 7. Request to remain on or return to a job. The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

Sec. 8. Effective date. This Plan shall take effect immediately upon being approved by the Regional Director of the War Manpower Commission.

Sec. 9. Definitions—as used in this Plan. (a) "Erie Area", includes all of Erie County, Pennsylvania.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or man-

agement of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period, and in excess of employment ceilings or hiring quotas established by the Erie Manpower Priorities Committee under the Manpower Budget Plan effective May 1, 1944.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments means his principal employment.

"Employment Stabilization Plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

Dated: May 19, 1944.

HENRY C. STANEZAK,
Area Director.

Approved: August 17, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44-15299; Filed, Oct. 3, 1944;
11:15 a. m.]

[Amdt. 1]

ERIE, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Erie Area, Area X dated August 31, 1943 and revised April 15, 1944 and June 26, 1944 (8 F.R. 11338), is hereby amended as follows:

SECTION 1. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Erie Area shall be conducted in accordance with the provisions of this Employment Stabilization Plan.

SEC. 2. Minimum standards. * * *

(e) Workers who may be hired only upon referral by the United States Employment Service. A new employee may not be hired solely upon presentation of a Statement of Availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work provided that no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided that such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a male worker.

SEC. 9. Employment ceiling and Priority Plan and Priority Referral Plan. The Area Director may fix for all or any establishments in the Erie Area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

SEC. 10. Definitions. As used in this Plan:

(a) "Erie Area" includes all of Erie County, Pennsylvania.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employees" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities.

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employments mean his principal employment.

(h) "Employment stabilization plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of statements of availability, referral by the United States Employment Service or otherwise.

(i) "Manpower allowance" means an administrative determination by the area manpower director, of the number of employees, or specified types of employees, within its ceiling, which an establishment is not permitted to exceed during a specified period, and is used as the means for allocation and referral or labor during the period.

(j) "Employment ceiling" means, in the case of an establishment designated essential or locally needed by the War Manpower Commission, an administrative determination by the Area Manpower Director, after consultation with the Manpower Priorities Committee, fixing the highest level of total employment which such establishment is not permitted to exceed, based upon an approved and necessary production or service schedule, means, in the case of other (less essential) establishments, an administrative determination by the Area Manpower Director fixing the highest level of total employment which such establishments are not permitted to exceed, based upon labor supply factors in the community.

Dated: July 5, 1944.

HENRY C. STANEZAK,
Area Director.

Approved: September 26, 1944.

FRANK L. MCNAMEE,
Regional Director.

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